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# IOWA SCHOOL OFFICERS' MANUAL OF SCHOOL LAWS

1917-1919



Iowa Dept. of public instruction.

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## PREFACE.

This manual does not include all the laws that pertain to the public schools and school officers of the state. It does include, however, all the essential laws—those that the school officer has occasion to know in order that he may perform his duties as such. Particular attention has been paid to recent school legislation, a great amount of which was passed by recent General Assemblies.

I have attempted to classify and arrange the school laws, explaining difficult matters where not easily comprehended, so that they may be easily found and easily understood, and in every case have cited the authority in support of the propositions set forth. Citations, unless otherwise indicated, refer to the 1915 edition of the Iowa School Laws. All matters pertaining to a given topic have been placed in separate chapters, or in sub-divisions of chapters. Cross references, wherever possible, are given to other sections and matters bearing upon the same subject.

No attempt to be original has been made. Clearness and a proper classification only has been my aim. It is a common remark among lawyers, as well as among laymen, that it is difficult to find a point in school laws, and also difficult to reconcile sections which seem to be in conflict. That I have succeeded in remedying the defects noted above in full is too much to hope; but in the belief that I have succeeded in making more usable that mass of legislation pertaining to the public schools and the school officer this booklet is submitted.

Yours respectfully,

COUNTY SUPERINTENDENT OF SCHOOLS.





## CHAPTER I.

### THE SCHOOL SYSTEM—OFFICERS.

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#### Sec. 1. Superintendent of Public Instruction.

At the head of the school system of Iowa is the Superintendent of Public Instruction, charged by statute with "general supervision over rural, graded and high schools of the State, and over such other State and public schools as are not under the control of the State Board of Education, or Board of Control of State Institutions."

#### Sec. 2. County Superintendent of Schools.

The general supervision of the public schools of the county is lodged in the County Superintendent of Schools. See Chapter 3.

#### Sec. 3. Boards of School Directors.

The direct management of the public schools is in the hands of the school boards, but some of the authority they may exercise must first be granted to them by the electors. (§2823). See Section 136 below.

#### Sec. 4. State Board of Education.

The State University, the State College of Agriculture and Mechanic Arts, the State Teachers' College, the School for the Deaf, and the College for the Blind are under the management of a state board of education, consisting of nine members, appointed by the Governor and confirmed by the Senate. This board chooses from outside its members a finance committee of three, who have general supervision of the financial affairs of these institutions.

#### Sec. 5. State Board of Educational Examiners.

"The Educational Board of Examiners shall consist of the Superintendent of Public Instruction, president of the university, president of the State Teachers' College, president of the State College of Agriculture and Mechanic Arts, and two persons to be appointed by the Governor, one of whom shall be a woman." (§2628, as amended by S. F. 451, 37th G. A.) All teachers' certificates are issued by this board, and "all examinations shall be conducted in accordance with rules and regulations adopted by the board, not inconsistent with the laws of the State." (§2629.)

**Sec. 6. State Board for Vocational Education.—State and Federal Aid.**

A State Board for Vocational Education has been created, consisting of the Superintendent of Public Instruction, the president of the State Board of Education, and the commissioner of the Bureau of Labor Statistics. An advisory committee of nine members is provided for. Such board shall provide four investigations "relating to prevocational and vocational training in agricultural, industrial, home economics and commercial subjects, to promote and aid in the establishment of local communities of public schools, departments and classes giving instruction in such subjects," to establish standards for, to certificate teachers of such subjects in approved schools, departments and classes supported and controlled by the public for the training of teachers and supervisors of such subjects.

The State has accepted the benefits of an Act of Congress providing for federal aid to such schools on certain conditions, and for each dollar of federal aid received the local community must expend an equal amount for such purpose.

The Board of Directors of any school corporation may provide for such instruction. —(H. F. 445, 446, 37th G. A.)

**Sec. 7. School Corporations—Classes.**

The classes of school corporations in Iowa are (1) school townships and (2) independent districts. Independent districts may be (A) rural independent, (B) city, town and village independent, or (C) consolidated independent districts.

**Sec. 8. School Townships—How Formed.**

"When a new civil township is formed, the same shall constitute a school township. \* \* \*" (§2890)

**Sec. 9. Dividing School Township Into Subdistricts.**

The board of any school township may, by a majority vote of the members, at the regular meeting in July, or at any special meeting called thereafter for that purpose, divide the township into subdistricts, such as justice, equity, and the interests of the people require, and may make such alterations of the boundaries of subdistricts heretofore formed as may be deemed necessary. " \* \* \* The boundaries of subdistricts shall conform to the congressional divisions of land." (§2801.)

**Sec. 10. School Townships Changed to Rural Independent Districts.**

The people of a school township may change to rural independent districts under §2797, which provides that upon petition of one-third of the legal voters of each subdistrict the board of the school township shall call an election thereon, and, if a majority of the voters in each subdistrict vote in favor of such a change, then said board shall call an election in each subdistrict (now a rural independent district) for the election of a board of three directors. See also §15 below.

**Sec. 11. Uniting Two or More Independent Districts.**

Contiguous independent districts may unite under §2799 by a majority vote in each district when such a proposition has been submitted to the voters by their respective boards. Such proposition must be submitted when ten voters of each district, or, if there be not ten voters in a district, then a majority of such voters, request that such proposition be submitted. Each district must vote separately.

**Sec. 12. Subdividing Independent Districts Into Two or More Independent Districts.**

Independent districts may subdivide by majority vote of the electors of each proposed district under §2798. (The board of the original district to establish the boundaries), but new districts shall contain at least four sections of land, except in case of a stream or other natural obstacle, or, if such new district shall contain a town or village of one hundred or more, then it may contain less than four sections, but not less than two.

**Sec. 13. Attaching Territory to an Adjoining Corporation and Restoration.**

"In any case where, by reason of natural obstacles, any portion of the inhabitants of any school corporation, in the opinion of the County Superintendent, cannot, with reasonable facility, attend school in their own corporation, he shall, by a written order, in duplicate, attach the part thus affected to an adjoining school corporation, the board of the same consenting thereto. \* \* \* Township or county lines shall not be a bar to the operation of this statute." (§2971.) Streams well bridged and distance are not considered obstacles.

Territory so set off may be restored in either of two ways: (1) By concurrence of both boards; (2) Upon written application of two-thirds of the voters of the part set off or attached, with the consent of the County Superintendent and the board which is to receive back the territory. (§2792.)

**Sec. 14. Rural Independent Districts United Into School Township.**

Rural independent districts in a township may unite into a school township by majority vote, to be taken upon written request to the trustees of one-third of the voters of the township. For the law in full see §2800.

**Sec. 15. Formation of Independent City, Town or Village District.**

"Upon the written petition of any ten voters of a city, town or village of over one hundred residents to the board of the school corporation in which the portion of the town plat having the largest number of voters is situated, such board shall establish the boundaries of a proposed independent district, including therein all of the city, town or village, and also such contiguous territory as is authorized by a written petition of the majority of the resident electors of the contiguous territory proposed to be included in said district, in not smaller subdivisions than entire forties of land, in the same, or any adjoining school corporations, as may best subserve the convenience of the people for school purposes, and shall give the same notices of a meeting as required in other cases, at which meeting all voters upon the territory included within the contemplated independent district shall be allowed to vote by ballot for or against such separate organization. When it is proposed to include territory outside the town, city or village, the voters residing upon such outside territory shall be entitled to vote separately upon the proposition for the formation of such new district, by presenting a petition of at least twenty-five per cent of the voters residing upon such outside territory, and, if a majority of the votes so cast is against including such outside territory, then the proposed independent district shall not be formed; provided, that a subdistrict containing a village with a population of seventy-five, or more, may, under the provisions of this Act, organize into an independent school district." (§2794.)

Such a petition being presented, the board is bound to submit it. (172 Iowa 361.) The posting of five notices within the proposed district of the time and place of such election is all that is required. (169 Iowa 634.) Under this section an independent district may be formed with less than two sections of land, irrespective of the limitation in Section 2798. See Section 12 above. If all the subdivisions included form one contiguous body, and such body is contiguous to the corporation, such subdivision is contiguous within the meaning of the statute. (162 Iowa 257.)

**Sec. 16. Changing Boundary Lines.**

"The boundary lines of contiguous school corporations may be changed by the concurrent action of the respective Boards of Directors at their regular meetings in July, or at special meetings thereafter called for that purpose. The corporation from which territory is detached shall, after the change, contain not less than four government sections of land, and its boundary lines must conform to the lines of congressional divisions of land. In the same manner, the boundary lines of contiguous school corporations may



be so changed that one corporation shall be included in and consolidated with the other as a single corporation." (§2793.)

**Sec. 17. Change of Boundary When Corporation Limits Changed.**

"When the boundary line between a school township and an independent city or town district is not also the line between civil townships, such boundary may be changed at any time by the concurrence of the Boards of Directors; but in no case shall a forty-acre tract of land, by the government survey, be divided; and such subdivisions shall be excluded, or included, as entire forties. The boundaries of the school township, or the independent district, may in the same manner be extended to the line between civil townships, even though by such change one of the districts shall be included within and consolidated with the other as a single district. When the corporate limits of any city or town are extended outside the existing independent district, or districts, the boundaries of said independent district, or districts, shall be also correspondingly extended. But in no case shall the boundaries of an independent district be affected by the reduction of the corporate limits of a city or town." (§2793-a.) See 165 Iowa 731.

If the boundary between an independent district and a school township is the line of the civil township, it cannot be changed, under §2793-A, except there be an incorporated town, and then only by the extension of the corporate limits of such town. If the independent school district includes a portion of a civil township, the remainder of which is a school township, the boundary between the districts may be changed.

**Sec. 18. Division of Assets and Liabilities When Change in Boundaries.**

"When any changes are made in the boundaries of any school corporation the new corporation shall elect a Board of Directors in accordance with the new boundaries, and such new boards shall organize as provided in section twenty-seven hundred fifty-seven (2757) of this chapter. The Boards of Directors in office at the time the changes are made in the boundaries of the school corporation shall continue to act until the Boards of Directors representing the newly formed districts have been duly organized, whereupon the new boards shall make an equitable division of all assets and liabilities of the corporations affected; and, if they cannot agree, the matters upon which they differ shall be decided by disinterested arbitrators, one selected by each board having an interest therein, and if the number thus selected is even then one shall be added by the County Superintendent, and the decision of the arbitrators shall be made in writing, either party having the right to appeal therefrom to the district court." (§2802.)

**Sec. 19. Consolidated Independent Districts.**

Should the people of a rural community wish to provide a central school and furnish transportation to pupils, they should follow the provisions of §§2794-A to 2795, inclusive, which are given below. The Thirty-fifth General Assembly provided that a bonus shall be given to all consolidated independent districts. See §25.

**Petition For—Question Submitted—Organization Completed.**

"When a petition describing the boundaries of contiguous territory, containing not less than sixteen sections within one or more counties, is signed by one-third of the electors residing in such territory, and filed with the County Superintendent, or, if the proposed consolidated district is made up of a part of two or more counties, then with the County Superintendent of the county in which the greatest number of freeholders in the proposed district reside.

"The County Superintendent, with whom such petition is filed, shall fix a time not less than five nor more than fifteen days thereafter, at which time written objections to the proposed boundaries of the proposed consolidated district may be filed with such County Superintendent by any person residing or owning land within such proposed boundaries, or any person

living in any subdistrict, a part of which is included in such proposed consolidated district. Notice of the time and place shall be given in a newspaper published in such proposed consolidated district, if there be such paper; and, if there be none, then such notice shall be published in the official papers of the county in which the County Superintendent giving such notice shall reside.

"At the time and place fixed, all objections to said proposed boundaries then filed shall be heard by such County Superintendent upon their merits, after which hearing the said County Superintendent shall fix and determine the boundaries of the proposed consolidated district. The ruling upon such objections and fixing of boundaries shall be made in writing within five days after the same have been finally submitted. Any person having filed such objections and being aggrieved by the ruling of the County Superintendent, may appeal therefrom to the County Board of Education within five days after the ruling is filed by the County Superintendent, and shall serve notice on said County Superintendent. When the County Superintendent is notified that an appeal has been taken from the ruling, such County Superintendent shall, within five days thereafter, file with the County Board of Education all of the original papers, together with the transcript of the proceedings before the County Superintendent. When the time for taking such appeal has expired, the County Board of Education shall fix a time not later than ten days thereafter when all such appeals shall be heard; the persons taking such appeal shall serve notice thereof upon the persons or school corporations in interest by posting notices in five conspicuous places in said proposed district, giving at least five days' notice of the time and place where such appeal will be heard. The County Board of Education shall determine such appeal within three days after the submission thereof, which decision shall be final as to said boundaries.

"If no objections be filed, or if, after final hearing, the objections are not sustained, and the said petition is approved, it shall be the duty of said Board of Directors, within ten days, to call an election in the proposed consolidated district, notice of which shall be given by publication in one issue of some paper published in the proposed consolidated district, if one is so published. If there be no such paper, the notice shall be published in one issue of the official papers of the county or counties in which the proposed consolidated district is located, at which election all voters residing in the proposed consolidated district shall be entitled to vote by ballot for or against such separate organization.

"When it is proposed to include in such district a school corporation containing a city, town or village, with a population of one hundred or more inhabitants, the voters residing upon the territory outside the limits of the said school corporation shall vote separately upon the proposition to create such new district. The judges of said election shall provide separate ballot boxes in which shall be deposited the votes cast by the voters from their respective territory, and if a majority of the votes cast by the electors residing either within or without the limits of such city, town or village, is against the proposition to form a consolidated independent corporation, then the proposed corporation shall not be formed. If a majority of the votes so cast in each territory shall be in favor of such independent organization, the organization of the proposed consolidated independent school corporation shall be completed by the election of a Board of Directors for said school corporation, as provided in section twenty-seven hundred ninety-five of the Code, and, when so organized, shall not be reduced to less than sixteen sections unless dissolved as provided by this Act.

"No remaining portion of any school corporation from which territory is taken to form such a consolidated independent corporation shall, after the change, contain less than four government sections, which territory shall be

contiguous and so situated as to form a suitable corporation. In the formation of such consolidated school corporation the boundary lines shall conform to those of corporations or district already established, so far as practicable, and, in case the boundary of such district be a public highway, then the said consolidated district may include such tracts of 160 acres, or less, as are contiguous to the said highway, and the County Superintendent, after a full and fair hearing, gives his approval. And where, after the formation of such consolidated school corporation, there is left in any school township one or more pieces of territory containing four or more government sections, each of such pieces of territory shall thereof become a rural independent school corporation, unless two or more subdistricts remain in a contiguous body, in which event such remaining portion of territory shall constitute a school township, and it shall be the duty of the officers of the former school township to call an election in each of such remaining pieces of territory for the purpose of electing school officers in the manner provided by law for the election of officers in rural independent school and school township organizations.

"All costs incurred shall be paid by the school district in which such consolidation is proposed." (2794-A, as amended by S. F. 579, 37th G. A.)

A form of a petition to establish a consolidated independent district is given on page 214 of the School Laws, to which the reader is referred.

**Board to Organize—When—Tax Levy.**

"The organization of the School Board in consolidated independent school corporations shall be effected on or before the first day of July, following their election, and, when completed, all taxes previously certified shall be void so far as the property within the limits of the consolidated independent school corporation is concerned, and the board of said consolidated independent school corporation shall at a regular meeting, or a special meeting called for the purpose, at any time prior to the third Monday in August of each year, levy for the general fund of said school the amount of all necessary taxes for all school purposes, which shall not exceed fifty (\$50.00) dollars for each person of school age, except that, where an approved high school course is maintained in such school, the levy may be sixty dollars for each person of school age, the amount so levied to be certified by them to the County Board of Supervisors on or before the first Monday of September, in each year, and the Board of Supervisors shall levy said tax at the same time, and in the same manner that other school taxes are required to be levied." (§2794-A-C-B.)

**Sec. 20. Transportation to and From School.**

"It shall be the duty of the School Board of any consolidated independent school corporation and school township maintaining a central school to provide suitable transportation to and from school, for every child of school age living within said district, and outside the limits of any city, town or village, but the board shall not be required to cause the vehicle of transportation to leave the public highway to receive or discharge occupants thereof. The board shall, from time to time, by resolution regularly adopted, number and designate the route to be traveled by each conveyance in transporting children to and from school. The School Board may require that children living an unreasonable distance from school shall be transported by the parent, or guardian, a distance of not to exceed two miles, to connect with any vehicle of transportation to and from school; or may, in the discretion of the board, contract with an adjoining school corporation for the instruction of any child living an unreasonable distance from school, and they shall allow a reasonable amount of compensation for the transportation of children to and from the point where they are taken over, or discharged from the vehicle used to convey them to and from school, or for transporting to an adjoining district. In determining what an unreasonable distance



would be, consideration shall be given to the number and age of the children, the condition of the roads, and the number of miles to be traveled in going to and from school. The board shall have the right, on account of inclemency of the weather, to suspend transportation of any route upon any day, or days, when, in the judgment of the said board, it would be a hardship on the children, or when the roads to be traveled are unfit or impassable." (§2794-a (c) ).

**Sec. 21. Transportation Contracts—Rules and Regulations.**

See §2794-a (d).

**Sec. 22. School Building—Location.**

"It shall be the duty of the School Board of any consolidated independent district to provide a suitable school building within such district, and shall, at any regular meeting, or at a special meeting called for that purpose, submit the question of levying a tax for the building of any school building suitable for the needs of the district, or for the building of a superintendent's or teacher's house, or for the repairing of any school building where the cost of such repairs exceeds the sum of two thousand (\$2,000) dollars, to the qualified voters of said district, and all moneys received from such source to be placed in the schoolhouse fund of said corporation, and to be used for such purposes only. In locating said building they shall take into consideration the geographical position, number and convenience of the scholars, and may submit the question of location to the voters of the district at any regular or special meeting called for that purpose; providing, that, whenever a city, town or village containing a school population of twenty-five (25), or more, is included within any consolidated independent district, then said building shall be located within the incorporated limits of said city, town or village, or upon land contiguous to such limits, on such site as the School Board may determine." (§2794-A-(e.)

**Sec. 23. Organization.**

"If the proposition to establish an independent district carries, then the same board shall give the usual notice for a meeting to choose a Board of Directors. Two directors shall be chosen to serve until the next annual meeting, two until the second, and one until the third annual meeting thereafter. The board shall organize by the election of officers in the usual manner." (§2795.)

"Organization is effected on the third Monday in March." (§2757.)

**Sec. 24. Dissolution.**

A dissolution of a consolidated district may be effected by majority vote under §2794-A (f.)

**Sec. 25. State Aid to Consolidated Schools.**

Consolidated schools wherein the departments and equipment for teaching agriculture, home economics, and other industrial or vocational subjects are provided, employing teachers qualified and empowered to teach the above named subjects, and wherein the above-named subjects are taught, subject to the approval of the Superintendent of Public Instruction, shall be paid from the State treasury as follows: For a two-room building, \$250 for equipment and \$200 annually; for a three-room building, \$350 for equipment and \$500 annually; for a four-room building, or larger, \$500 for equipment and \$750 annually; provided, however, that, if the annual appropriation of \$100,000 is insufficient to pay the above amounts, to all schools, then each shall receive an amount in proportion to the amount they would have received had such appropriation been sufficient. (§2794-b, c, d.) No consolidated school having a high school department maintaining a normal training course shall receive additional aid for maintaining the normal training course. (§2794-F.)

**Sec. 26. School Corporations May Sue or Be Sued.**

See §2743.

## **Sec. 27. County Agricultural Associations and Schools.**

A corporation may be formed in each county for advancing the science and art of agriculture, domestic science, animal husbandry, and horticulture. Such corporations may establish an agricultural school, in which above subjects shall be taught. (§§1683-a-e, Supp. Supp., 1915)

## **CHAPTER II.**

### **THE DEPARTMENT OF PUBLIC INSTRUCTION.**

**Sec. 28. The State Superintendent.**

**29. Deputy Superintendent and Inspectors.**

**30. Powers and Duties of State Superintendent.**

**Sec. 31. Inspector of Normal Training High Schools.**

**32. Inspector of Rural Schools.**

**33. Some Other Duties of State Superintendent.**

## **Sec. 28. The State Superintendent.**

At the general election in 1918, and every four years thereafter, a superintendent of public instruction shall be elected by the qualified voters of the State. (S. F. 494, 37th G. A.) He shall be a graduate of an accredited university or college, or of a four-year course above high school, of an accredited normal school, and shall have had at least five years' experience as a teacher or school superintendent. (§2627-B.)

## **Sec. 29. Deputy Superintendent and Inspectors.**

The State Superintendent may appoint a deputy, whose appointment must be approved by the Governor, and shall appoint regular inspectors of the public schools of the State, including rural, graded and high schools, as he may deem necessary, not exceeding three. (§2627-G.)

## **Sec. 30. Powers and Duties of State Superintendent.**

Without noting many of the powers and duties of the State Superintendent, which are already well enough known for most purposes, suffice it to say that a recent legislature enacted a law giving him the power to classify the rural, graded and high schools of the State, and to furnish courses of study therefor.

Section 2627-C contains the following provisions concerning high schools and other rural and graded schools of the State:

**"3. The Superintendent of Public Instruction shall have general supervision and control over the rural, graded and high schools of the State.**

**"It shall be his duty:**

**"4. To classify and define the various schools belonging to his department, and to formulate suitable courses of study therefor, and to publish and distribute such classifications and courses of study.**

**"5. To prescribe the reports, both regular and special, which shall be made by public school officers, superintendents and teachers, and other persons or officers having the custody or control of public school funds or property, and to prepare suitable forms therefor, and to furnish blanks for such reports as are made to him."**

Under the above sections, the State Superintendent, through the Inspector of the State High and Graded Schools, has classified the public high schools of the State into four-year high schools, three-year high schools, two-year high schools, and one-year high schools; has designated a course of study and other requirements for each class, and, according to the standard of a school, will designate it as belonging to one of the above classes. This does not mean that a school corporation must support a high school, but that, if one is maintained, its class will be determined by the Department of Public Instruction, and that it must follow the course of study, which is flexible and admits of many electives to be taught, and must come up to certain standards as to library, length or recitation periods, laboratory equipment, number of teachers, etc., depending upon its class, provided it becomes an approved high school.



The tuition law, providing that the tuition of pupils completing the eighth grade of the home corporation not supporting a high school may attend any high school that will receive them, their tuition to be paid by their home corporation, has been modified by Section 2733-1a, as amended by H. F. 70, 37th G. A., which provides that such high school must be approved by the Department of Public Instruction. For this law in full see §210. The significant portion of the law as to the approval is as follows:

"Any person of school age who is a resident of a school corporation which does not offer a four-year high school course, and who has completed the course as approved by the Department of Public Instruction for such corporation, shall be permitted to attend any public high school or county high school in the state, approved in like manner, that will receive him."

Under the above section the course of study of corporations receiving eighth-grade graduates from other corporations, in order to collect tuition from the corporation of the pupil's residence, must be approved by the State Department. Information concerning the conditions of approval may be obtained from the Department of Public Instruction, Des Moines, Iowa.

#### **Sec. 31. Inspector of Normal Training in High Schools.**

To increase the facilities for training teachers for the rural schools, provision is made for normal courses in high schools of the State that meet certain standards. (§2634-B3.) Each school so approved receives \$750 annually. Under authority of the above provisions an inspector of normal training in high schools has been appointed by the State Superintendent, and it is his duty to formulate courses of study for pupils taking the normal course, and to supervise their instruction in such schools.

#### **Sec. 32. Inspector of Rural Schools.**

The State Superintendent is given power to classify and define the various schools and to furnish courses of study therefor, and, as noted above, he may appoint an inspector of rural schools. Accordingly, he has appointed such an inspector, and has issued "A Course of Study and Manual of Methods for the Elementary Schools of Iowa." In effect, all rural schools must follow this course of study, for no one may have tuition paid by his home district when he attends a high school unless he has "completed the course as approved by the Department of Public Instruction." (§2733-A 1, as Amended by H. F. 70, 37th G. A.)

#### **Sec. 33. Some Other Duties of the State Superintendent.**

He hears and decides cases appealed from the decision of the County Superintendent (§2820); he is president of the Educational Board of Examiners (§2628); he appoints the time and approves of the faculty of normal institute; prepares and distributes school laws; makes a biennial report to the Governor; publishes and distributes special day booklets; prepares examination questions for teachers' and eighth-grade examinations; promotes such changes and improvements in the schools by addresses and bulletins as he may think desirable. (§2627-C)

### **CHAPTER III.**

#### **THE COUNTY SUPERINTENDENT.**

##### **Sec. 34. Election—Term.**

- 35. Qualification.
- 36. Salary.
- 37. Deputy County Superintendent.
- 38. Powers and Duties—Enforces School Laws.

##### **Sec. 39. Examinations.**

- 40. Teachers' Institutes.
- 41. Appeals.
- 42. Reports.
- 43. Board of Education.
- 44. Visitation of Schools.
- 45. Miscellaneous.

##### **Sec. 34. Election—Term.**

On the first Tuesday in April, 1915, and each third year thereafter, a convention shall be held at the county seat for the purpose of electing a County Superintendent of Schools, whose term of three years shall begin on

the first secular day in September following. Vacancies shall also be filled in like manner. (§2734-B 1.)

At this convention each school township, city, town or village independent district, and each independent consolidated independent district in the county shall be entitled to one vote.

"Each such school corporation shall be represented at the convention by the president of the School Board, or, in his absence or inability to act, by some member of such School Board, to be selected by the board. It is further provided, however, that where a congressional township is composed in whole, or in part, of rural independent districts that such rural independent districts shall be entitled to one vote in the convention, which vote shall be cast by such person as may be selected by the presidents of the component rural independent districts within such township at a meeting to be held at such time and place as the county auditor shall fix in the written notice hereinafter provided for. All representatives to such convention shall serve until a county superintendent is elected and qualified. Such convention shall be called by the county auditor by mailing a written notice to the president and secretary of each school corporation at least ten days prior to the date of such convention, and by the publication of such notice in the official newspapers published in the county. The county auditor shall be the secretary of such convention, and shall call the same to order, and submit a list of the school corporations entitled to participate in such conventions. Said convention shall organize by the selection of a chairman, and, when so organized, shall elect a county superintendent of schools, who shall possess the qualifications required by law, and shall hold the office for the term of three years, and until his successor is elected and qualified. Such convention may, by a majority vote, select a committee, consisting of five members, whose duty shall be to investigate the various candidates for the office of county superintendent, and report to said convention at a subsequent day, to which the convention may adjourn, or by a three-fourths vote of such convention, said committee may be authorized to elect a county superintendent and file its election with the county auditor, and said person shall be deemed duly elected to such office. A majority of representatives herein provided shall constitute a quorum, such representatives to receive ten (10c) cents per mile one way for the distance necessarily traveled in attending such convention, to be paid from the county treasury." (§1072.)

#### Sec. 35. Qualification.

"The County Superintendent, who may be of either sex, shall be the holder of a regular five-year State certificate or a life diploma, and shall have had at least five years' experience in teaching or superintending, but this provision as to experience shall not apply until September 1, 1918; provided that any County Superintendent of Schools now serving shall be deemed eligible to re-appointment or re-election under this Act." He may be selected from outside the county, and even from outside the State. (§2734-B.)

#### Sec. 36. Salary.

"From and after the first day of September, nineteen hundred fifteen (1915), County Superintendents shall receive the following salary, payable monthly, and the representatives of the school corporations in session may allow them such further sum by way of compensation as may be just and proper:

"He shall receive a salary of fifteen hundred dollars a year, the expenses of necessary office stationery and postage, and those incurred in attendance upon meetings called by the Superintendent of Public Instruction; claims therefor to be made by verified statements filed with the county auditor, who shall draw his warrant upon the county treasurer therefor; and the Board of Supervisors may allow him such further sum by way of compensation as may be just and proper." (§2742.)

He shall also receive his actual and necessary traveling expenses incurred in the performance of his official duties, but the total amount for any one year shall not exceed \$250. (§2734-B.)

In addition the expenses of necessary office stationery and those incurred in attendance upon meetings called by the State Superintendent are paid. (§2742.)

### Sec. 37. Deputy County Superintendent.

He may appoint a deputy, with the approval of the Board of Supervisors entered of record, for whose acts he shall be responsible, and who may act in his stead except in visiting schools and trying appeals, the salary of such deputy to be fixed by the convention referred to in §31 above. (§2734-B, as amended by S. F. 168, 37th G. A.)

### Sec. 38. Powers and Duties—Enforces School Laws.

"The County Superintendent shall see that all provisions of the school law, so far as it relates to the schools or school officers within his county, are observed and enforced, specially those relating to the fencing of school-house grounds with barb wire, and the introduction and teaching of such divisions of physiology and hygiene as relate to the effects of alcohol, stimulants and narcotics upon the human system, and to this end he may require the assistance of the county attorney, who shall, at his request, bring any action necessary to enforce the law or recover penalties incurred." (§2740.)

### Sec. 39. Examinations.

He conducts teachers' examinations (§2734-C), may request that a special teachers' examination be held in the county, and conducts the same (§2734-S), conducts examinations in January and May of each year for graduation from the normal training course of schools supporting such a course (§2634-B 6), conducts examinations for graduation from the eighth grade (§2733-1 a, as Amended by H. F. 70, 37th G. A.), keeps a record of all teachers' examinations (§2734-P), in examinations for uniform county certificates, shall forward to the State Superintendent his estimate of each applicant's personality and general fitness, other than scholarship, for the work of teaching, and grades the answer papers of applicants in the subject of didactics (§2734-M), collects the fee of \$1 from each applicant for a certificate, and pays one-half to the county treasurer and one-half to the State treasurer (§2734-P). He may revoke certificates for cause (§2734-U), subject to appeal to the State Superintendent. See §41 below.

### Sec. 40. Teachers' Institutes.

For a discussion of this topic see §190. He may also conduct a four to six weeks' summer school when deemed advisable. (§2738.)

### Sec. 41. Appeals.

Appeals to County Superintendent. "Any person aggrieved by any decision or order of the Board of Directors of any school corporation in a matter of law, or fact, may, within thirty days after the rendition of such decision, or the making of such order, appeal therefrom to the County Superintendent of the proper county; the basis of the proceedings shall be an affidavit filed with the County Superintendent of the party aggrieved within the time for taking the appeal, which affidavit shall set forth any error complained of in a plain and concise manner." (§2818.)

Hearing and Decision. "The County Superintendent shall, within five days after the filing of such affidavit in his office, notify the secretary of the proper school corporation in writing of the taking of such appeal; the latter shall, within ten days after being thus notified, file in the office of the County Superintendent a complete transcript of the record and proceedings relating to the decision complained of, which transcript shall be certified to be correct by the secretary; after the filing of the transcript aforesaid the County Superintendent shall notify, in writing, all persons adversely interested of the time and place where the matter of the appeal will be heard by



him. At the time fixed for the hearing he shall hear testimony for either party, and he shall make such decision as may be just and equitable, which shall be final unless appealed from as hereinafter provided." (§2819.)

**Appeal to State Superintendent—No Money Judgment.** "An appeal may be taken from the decision of the County Superintendent to the Superintendent of Public Instruction in the same manner as provided in this chapter for taking appeals from the board of a school corporation to the County Superintendent, as nearly as applicable, except that thirty days' notice of the appeal shall be given by the appellant to the County Superintendent, and also to the adverse party. The decision, when made, shall be final. Nothing in this chapter shall be so construed as to authorize either the County or State Superintendent to render judgment for money; neither shall they be allowed any other compensation than is now allowed by law. All necessary postage must first be paid by the party aggrieved." (§2820.)

#### **Sec. 42. Reports.**

He is required to make a report to the State Superintendent not later than the last Tuesday in August (§2739). For a failure to file this report he shall forfeit \$50 to the school fund of the county, and shall be liable for all damages caused thereby (§2741), and is guilty of a misdemeanor. At the same time he shall file with the county auditor a statement of the number of persons of school age in each school corporation in the county (§2739). He shall also report to the superintendent of the College for the Blind the names, ages and address of every resident of the county so blind as to be unable to secure a common school education, to the superintendent for the feeble-minded all persons of school age who, because of mental defects, are entitled to admission therein (§2739), and shall report to the superintendent of the Institution for the Deaf and Dumb, by November 1, the name, age and address of every resident of the county between the ages of 5 and 35 years, deaf or dumb, or so deaf as to be unable to secure an education in the common schools (§2724.) He shall file on the first Monday in each month an itemized and verified statement of expenses incurred during the previous month in the discharge of his official duties, and on the first Monday in September shall file with the president of the Educational Board of Examiners a list of persons who have held certificates, and have attended normal institute, with the number of days' attendance of each. (§2734-V.)

#### **Sec. 43. Board of Education.**

The County Superintendent is a member and chairman of the Board of Education, and, when one-third of the voters of the county petition to submit the proposition for county uniformity of textbooks to the voters, the County Superintendent shall immediately notify the other members of the board. (Other members are the auditor and Board of Supervisors.) And within fifteen days of the filing of the petition shall meet and provide for submitting the proposition to the voters at the next annual meeting of the electors (§2831), and, when such proposition carries, shall proceed to adopt books for all rural corporations for the next five years. Notice must be published as to time and place of adoption (§2828). He is custodian of textbooks submitted, and, unless otherwise ordered by the board, has charge of the distribution of books among depositories (§2832.) In counties where there is not uniformity of textbooks the Board of Directors in rural districts must consult the County Superintendent before adopting books for their district (§2828.)

#### **Sec. 44. Visitation of Schools.**

He shall visit the different schools in his county at least once during the school year, and also, when requested by the majority of the directors of any school corporation, and shall, at the request of the State Superintendent, visit and report upon such schools as may be designated. (§2734-B.)

#### Sec. 45. Miscellaneous.

In all matters triable before him he shall have power to issue subpoenas for witnesses (§2821), approves plans for the erection or repair of schoolhouses where cost exceeds \$300 (§2779), may authorize the Board of Directors to shorten the time for holding school to a shorter period than six months (§2773), shall call the attention of the board to the fact, if such it be, that less than twelve thrifty trees are growing on the school ground (§2787), gives notice of the first meeting for the election of directors when a civil township is formed (§2790), appoints three referees to ascertain the damages when the owner of real estate desired for a school site, or school road, neglects or refuses, or is unknown or cannot be found, to convey the same (§2815), and gives due notice thereof, helps enforce the compulsory attendance law (§2823-F), may attach territory to another corporation when, by reason of natural obstacles, pupils cannot, with reasonable facility, attend school in their own corporation (§2791), may permit pupils to attend school in another corporation when said pupils reside nearer a school in another corporation than in their own, and one and one-half miles, or more, from a school in the corporation of their residence (§2803), distributes school laws to school officers and to others requesting them (§2823-J), is chairman and a member of the Board of Trustees in counties having a county high school (§2728), and serves as the organ of communication between the Department of Public Instruction and the various officers and instructors in his county. (§2734-B.)

### CHAPTER IV.

#### BOARD OF DIRECTORS.

##### Sec. 46. Election—Qualification—Term.

47. Organization and Meetings of the Board.

48. Place of Meeting.

49. Quorum—Vacancies.

50. Powers and Duties.

51. Contracts—Election of Teachers.

52. Rules and Regulations—Use of Tobacco Prohibited.

53. Discharge of Teachers—Expulsion of Pupil.

54. Appeals.

55. Allowance of Claims.

56. Changing Boundaries and Uniting and Subdividing Corporation.

57. Submitting Propositions to Electors and Carrying Into Effect Instruction of Voters.

58. Fix Salary of Officers.

59. Employing Counsel.

60. Taxation and Indebtedness.

##### Sec. 61. Erection or Repair of Schoolhouse.

62. Locates Schoolhouse and Determines Where Pupil Shall Attend.

63. Higher or Union Schools.

64. Renting Room—Transportation of Pupils.

65. Approves Bonds of Banks Where School Funds Are Deposited.

66. Must Maintain Water Closets.

67. Must Provide Flags for Schools.

68. Entrance and Exit Doors to Schoolrooms to Open Outward.

69. May Establish "Park Life" Schools.

70. May Permit Use of Schoolhouse—When.

71. Evening Schools Authorized.

72. Use of School Building for Public Recreation Grounds.

73. Trees—Fence.

74. Purchase of Library Books.

##### Sec. 46. Election—Qualification—Term.

"The affairs of each school corporation shall be conducted by a Board of Directors, the members of which in all independent school districts shall be chosen for a term of three years, and in all subdistricts of school townships for a term of one year." (§2745.)

As to who may be director see §154.

Subdirectors are elected on the first Monday in March, but, when the school township is not divided into subdistricts, the three members of the board shall be elected at large on the second Monday in March. There is this exception also: Where there is an even number of subdistricts a director-at-large shall also be elected on the second Monday in March (§2752).

In all other corporations directors are elected on the second Monday in March. (§2754.)

See also §§132 and 151.

**Sec. 47. Organization and Meetings of the Board.**

"The Board of Directors of all independent city, town, and village corporations, school townships maintaining school or schools with high school departments, and consolidated independent districts, shall organize on the third Monday in March, and those of all other school corporations on the first day of July, unless that date falls on Sunday, in which case the day following.

"Such organization shall be effected by the election of a president from the members of the board, who shall be entitled to vote as a member. Such special meetings may be held as may be determined by the board, or called by the president, or by the secretary upon the written request of a majority of members of the board, upon notice specifying the time and place, delivered to each member in person, but attendance shall be a waiver of notice." (§2757.) See also §110.

Receipt over the telephone of notice of a special meeting is sufficient. (159 N. W. (Ia.) 687.) "The statute does not authorize a mailing of notice, and, in the absence of any such authority, we are unwilling to hold that an attempt to give notice by mail, which does not reach the member to be notified, is sufficient." 157 Iowa 181.)

**Sec. 48. Place of Meeting.**

" \* \* \* Such meetings shall be held at any place within the civil township within which the corporation is situated. \* \* \* " (§2757.)

**Sec. 49. Quorum—Vacancies.**

"A majority of the Board of Directors shall constitute a quorum for the transaction of business. \* \* \* " (§2771.)

**Sec. 50. Powers and Duties.**

In §§98 to 116, inclusive, are enumerated many of the important matters that will engage the attention of the board, and the reader is referred to these for the law thereon:

1. Settlement with the Secretary and Treasurer. (§107.)
2. Oath Required of Members of the Board. (§107.)
3. Approval of Bonds of Secretary and Treasurer. (§113.)
4. Period Schools Must Be in Session. (§114.)
5. Rules and Regulations for School Government. (§§116 and 192.)
6. Repairs—Use of Barb Wire Prohibited. (§117.)
7. Teachers' Wages. (§§119 and 198.)
8. Number of Schools to Be Taught. (§120.)
9. Vacations—Holidays—Intermissions. (§116.)
10. Employment of Teachers. (§121.)
11. Books for Indigent Children. (§122.)
12. Scope of Subdirector's Authority. (§121.)
13. Tuition of Pupils in High School. (§§124 and 210.)
14. Provides for Visitation of Schools. (§125.)
15. Taxation. (§§126 and 218 to 230, inclusive.)
16. Compulsory Attendance Law. (§211.)

**OTHER POWERS AND DUTIES.**

**Sec. 51. Contracts—Election of Teachers.**

"The board \* \* \* shall elect all teachers and make all contracts necessary or proper for exercising the powers granted and performing the duties required by law. But the board may authorize any subdirector to employ teachers for the schools in his subdistrict." The board may not employ teachers for a longer period than the school year (107 Iowa, 29) (the year ends on June 30), except that the Board of Directors of each independ-



ent school district of any city, town, village, and of each consolidated school district shall have the power to employ a superintendent of schools for the term not to exceed three years; provided, however, that no such contract be made until the superintendent has served at least one year in the position to which it is proposed to elect him for the longer period. (§2778.)

See also §§78 and 99.

**Sec. 52. Rules and Regulations—Use of Tobacco by Pupils Prohibited.**

The board is given power to make rules and regulations for its own government and that of the directors, officers, teachers and pupils, and the care of the schoolhouse, grounds and property of the corporation, and in the enforcement of the same. (§2772.) Such rules and regulations, however, must be reasonable. In 56 Iowa 476, the Supreme Court of Iowa said:

"The State does not deprive citizens of their property or their liberty, or of any rights, except as a punishment for a crime. It would be very harsh and obviously unjust to deprive a child of education for the reason that, through accident and without intention of wrong, he destroyed property of the school district. Doubtless a child can be expelled from school as a punishment for breach of discipline, or for offense against good morals, but not for innocent acts. In this case the plaintiff was expelled, not because he broke the glass, but because he did not pay the damage sustained by the breaking. The rule requiring him to make payment is not intended to secure good order, but to enforce an obligation to pay a sum of money. We are clearly of the opinion that the directors have no authority to promulgate or enforce such a rule." The board shall prohibit the use of tobacco by all pupils, and may suspend or expel for violation of this rule. (§2772.). See further, §192.

**Sec. 53. Discharge of Teacher—Expulsion of Pupil.**

§§166, 180, 193.

**Sec. 54. Appeals.**

See §41 for the law in full concerning appeals.

**Sec. 55. Allowance of Claims.**

"It shall audit and allow all just claims against the corporation, and no order shall be drawn upon the treasury until the claim therefor has been audited and allowed. \* \* \* " (§2780.)

**Sec. 56. Changing Boundaries and Uniting and Subdividing Corporation.**

See §§10 to 18, inclusive.

**Sec. 57. Submitting Propositions to the Electors, and Carrying Into Effect Instruction of Voters.**

See §§129 and 137. "The board shall carry into effect any instruction from the annual meeting upon matters within the control of the voters. \* \* \* " (§2778)

**Sec. 58. Fix Salary of Officers.**

No school director may receive a salary for official services rendered. The secretary may receive a salary, but not so the treasurer. (§2780.)

**Sec. 59. Employing Counsel.**

" \* \* \* In all cases where actions may be instituted by or against any school officer to enforce any provision of law, the board may employ counsel, for which the school corporation shall be liable." (§2759.)

**Sec. 60. Taxation and Indebtedness.**

See §§218 to 230, inclusive.

See also §127.

**Sec. 61. Erection or Repair of Schoolhouse.**

"It shall not erect a schoolhouse without first consulting with the County Superintendent as to the most approved plan for such building, and secur-

ing his approval of the plan submitted, nor shall any schoolhouse be erected or repaired at a cost exceeding three hundred dollars, save under an express contract reduced in writing, and upon proposals therefor, invited by advertisement for four weeks in some newspaper published in the county in which the work is to be done, and the contract shall be let to the lowest responsible bidder, bonds with sureties for the faithful performance of the contract being required, but the board may reject any and all bids and advertise for new ones." (§2779.)

**Sec. 62. Locates Schoolhouse Site and Determines Where Pupil Shall Attend.**

"It may fix the site for each schoolhouse, taking into consideration the geographical position, number and convenience of the scholars, provide for the fencing of schoolhouse sites, determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend. \* \* \* " (§2773.)

For the method of condemnation of property desired for a schoolhouse site see S. F. 63, 37th G. A., Amending Section 2814, and Section 2815 of Code Supp. 1913, and 166 Iowa 744.

**Sec. 63. Higher or Union Schools.**

"It shall have power to maintain in each district one or more schools of a higher order, for the better instruction of all in the district prepared to pursue such a course of study, and it may establish graded or union schools, and determine what branches shall be taught therein, but the course of study shall be subject to the approval of the Superintendent of Public Instruction; and it may select a person who shall have general supervision of the schools in any district subject to the control of the board." (§2776.)

This section gives any school corporation the power to maintain a high school. Should rural districts wish to maintain a central or consolidated school the best way would be to form a consolidated district under §2794-A. See §19 above.

**Sec. 64. Renting Room—Transportation of Pupils.**

"It may, when necessary, rent a room and employ a teacher, where there are ten children for whose accommodation there is no schoolhouse; and, when the board is released from its obligation to maintain a school, or when children live at an unreasonable distance from their own school, the board may contract with boards of other school townships or independent districts for the instruction of children thus deprived of school advantages, in any school therein, and the cost thereof shall be paid from the general fund. And when there will be a saving of expense, and children will also thereby secure increased advantages, it may arrange with any person outside the board for the transportation of any child to and from school in the same, or in another corporation, and such expenses shall be paid from the general fund." (§2774, as Amended by H. F. 565, 37th G. A.)

Consolidated independent districts and school townships maintaining a central school must provide transportation to and from school for all pupils of the corporation living outside the limits of a city, town or village. (§2794-A (c).) For this section in full see §19 above.

**Sec. 65. Approves Bonds of Banks Where School Funds Deposited.**

All school funds must be deposited in some bank by the treasurer and the corporation shall receive thereon at least two per cent on the average daily balances. The bank must give a bond which the treasurer and board must approve. See §94 for the law in full.

**Sec. 66. Must Maintain Water Closets.**

The board must maintain on schoolhouse sites except in independent city or town districts two separate outhouses located as far as may be from



each other, and located as far as possible from the entrance to the school. In cities and towns one closet is sufficient, provided certain conditions are met. (§2784.)

**Sec. 67. Must Provide Flags for Schools.**

See §200.

**Sec. 68. Entrance and Exit Doors to Schoolrooms to Open Outward—When.**

"The entrance and exit doors of all hotels, churches, lodge halls, court-houses, assembly halls, theaters, opera houses, colleges and public school-houses, and other structures where the hazard is deemed sufficient by the inspector and the entrance doors to all class and assembly rooms in all public school buildings shall open outward, and shall not be fastened against exit, or so the same cannot be easily opened from within." Supp. Supp. 1915, Sec. 4999-9a.) Supp. Supp. 1915, Sec. 4999-a 9 a.)

**Sec. 69-a. May Establish "Park Life" School.**

School boards in cities included under special charters and commission form having a population of 20,000, or more, may lease or purchase for educational purposes a tract of land outside the city for a school garden or school farm, and erect buildings thereon, appoint managers, etc. (§2823-u 7.)

**Sec. 70. May Permit Use of Schoolhouse in Certain Corporations—Restrictions:**

"The Board of Directors of any school corporation may authorize the use of any schoolhouse and its grounds within such corporation, and not within the limits of a city or town for the purpose of meetings of granges, lodges, agricultural societies and similar rural secret societies, and for election purposes; such use to be for such compensation, and upon such terms and conditions as may be fixed by said board for the proper protection of the schoolhouse and the property belonging therein, including that of pupils. Any compensation for such use shall be paid into the contingent (general) fund, and be expended in the upkeep and repair of such school property, and in purchasing supplies therefor; provided, however, that if at any time the voters of such corporation, at any annual meeting, forbid such use of any such schoolhouse or grounds, the board shall not thereafter permit such use until the said action of such voters shall have been rescinded by the voters at an annual meeting, or at a special meeting called for that purpose." (H. F. 167, 37th G. A.)

**Sec. 71.—Evening Schools Authorized.**

"The School Board of any organized school district within the State is hereby authorized and empowered, under the control and supervision of the City or County Superintendent, to establish and maintain public evening schools as a branch of the public schools when said School Board shall deem advisable for the public convenience and welfare, and said evening schools shall be available to all persons over 16 years of age, who, from any cause, are unable to attend the public day school of such district.

"Whenever, in any organized school district within the State, there shall be residing ten or more persons over 16 years of age, who desire instruction at an evening school in the common branches, it shall be the duty of the School Board of such organized school district to establish and maintain an evening school for such instruction throughout a period of not less than three months of every school year, and for not less than two hours at least two times each week during the term of such evening school, which school shall be under the control and supervision of the City or County Superintendent." (S. F. 368, 37th G. A.)

**Sec. 72. Use of School Building for Public Recreation Grounds.**

The board in districts containing, or contained in, cities of the first or second class, special charter cities, or cities under the commission plan, may establish and maintain for children on the school premises, public recreation places and playgrounds, and accommodations for same, and to co-op-

erate with other boards having the management of public parks, buildings and grounds, and to levy a tax therefor, provided a majority of the voters vote therefor, twenty-five per cent petitioning for such election. (§2823-u, 2823-u 1.)

#### **Sec. 73. Trees—Fence.**

The board shall set out and properly protect twelve shade trees on each school ground (§2787), and shall maintain a lawful fence between the school site and the cultivated or improved land of another. (§2745-A)

#### **Sec. 74. Purchase of Library Books.**

Library books may be obtained in either of three ways, as outlined below, but the board must purchase books from the general fund under §2823-N each year.

(From General Fund.)

**Library Fund.** "The treasurer of each school township and each rural independent district in this State shall withhold annually from the money received from the apportionment for the several school districts not less than five nor more than fifteen cents, as may be ordered by the board, for each person of school age residing in each school corporation, as shown by the annual report of the secretary, for the purchase of books as hereinafter provided. When so ordered by the Board of Directors, the provisions of this section shall apply to any independent district." (§2823-N.)

**Mandatory.** It is mandatory upon the treasurer in each school township and each rural independent district to withhold from the apportionment each year a certain number of cents for each person between the ages of 5 and 21, for the purchase of library books. The amount withheld, annually, for each person, may not exceed fifteen cents, nor be less than five cents. The exact amount per pupil is left to the discretion of the board, and may vary from one year to another.

**Purchase of Books—Distribution.** "Between the third Monday of September and the first day of December in each year the president and secretary of the board, with the assistance of the County Superintendent of Schools, shall expend all money withheld by the treasurer, as provided in Section one (§2823-n) of this Act, in the purchase of books selected from the lists prepared by the State Board of Educational Examiners, as hereinafter provided, for the use of the school district; in school townships the secretary shall distribute the books thus selected to the librarians among the several subdistricts, and, at least, semi-annually collect the same and distribute others." (§ 2823-O)

The money withheld by the treasurer cannot be used for any purpose except the purchase of books. All expenses, such as freight charges, express, postage, exchange, library cases, and record books, should be paid from the contingent (general) fund.

"The Board of Directors shall have supervision of all books, and shall make an equitable distribution thereof among the schools of the corporation." (§2823-R.)

"It may provide and pay out of the general fund to insure school property such sum as may be necessary, and may purchase dictionaries, library books, including books for the purpose of teaching vocal music, maps, charts, and apparatus for the use of the schools thereof to an amount not exceeding twenty-five dollars in any one year for each schoolroom under its charge.

\* \* \* " (§2783, as Amended by H. F. 565, 37th G. A.)

(From the Schoolhouse Fund)

"The voters at the annual meeting shall have power \* \* \* to vote a schoolhouse tax not exceeding ten mills in any one year, for \* \* \* procuring libraries." (§2749.) See §123.

## CHAPTER V. SCHOOL OFFICERS.

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| <p>Sec. 75. Non-performance of Duty.<br/> 76. Books and Papers to Successor.<br/> The President—<br/> 77. Election—Qualification—Term.<br/> 78. Powers and Duties.<br/> The Secretary—<br/> 79. Election—Qualification—Term.<br/> 80. Duties of Secretary.<br/> 81. Warrants.<br/> 82. General Duties.<br/> 83. Files Monthly Financial Report in Independent Town and City Districts.<br/> 84. Gives Notice of Annual Meeting of Electors.<br/> 85. Notice of Special Meetings of Electors in Corporations of 5,000 or more.<br/> 86. Notice of Special Meetings of Electors in Corporations of Less Than 5,000.<br/> 87. Notice of Special Meetings of Electors in School Townships.<br/> 88. Reports.</p> | <p>Sec. 89. Register of Persons of School Age.<br/> 90. Other Statutes Affecting the Secretary.<br/> The Treasurer—<br/> 91. Election—Qualification—Term.<br/> 92. Duties of Treasurer.<br/> 93. Payment of Warrants.<br/> 94. Deposit of Funds at Interest.<br/> 95. Financial Report and Report to County Superintendent.<br/> 96. Settlement.<br/> 97. The Director in Independent Districts.<br/> 98. The Subdirector.<br/> 99. Powers and Duties of Subdirector.<br/> 100. Gives Notice of Subdistrict Meeting.<br/> 101. Takes the School Census.<br/> 102. Care of Library.<br/> 103. Purchasing Supplies—Repairs.<br/> 104. Hiring Teachers.<br/> 105. Compulsory Attendance Law.</p> |
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### Sec. 75. Non-Performance of Duty.

"Any school officer \* \* \* wilfully failing or refusing to perform any duty imposed by law, shall forfeit and pay into the treasury of the particular school corporation in which the violation occurs the sum of twenty-five dollars. \* \* \* " (§2722.)

### Sec. 76. Books and Papers to Successor.

"Each school officer, upon the termination of his term of office, shall immediately surrender to his successor all books, papers and money pertaining or belonging to the office, taking a receipt therefor." (§2770.)

## THE PRESIDENT.

### Sec. 77. Election—Qualification—Vacancies.

The Board of Directors of all independent city, town and village corporations, school townships maintaining a school, or schools, with high school departments, and consolidated independent districts, shall elect a president from among their number at the time of their organization on the third Monday in March, and those of all other corporations at the time of their organization, on the first day of July, unless that day falls on Sunday, in which case the day following (§2757.) In case of a vacancy the office shall be filled by appointment of the board until the next annual meeting of the board. (Code, §1276.) The president must qualify as such before assuming the duties of office. (Cons. of Iowa, §5, Art. 11.) For form of oath see §107. No bond is required of him by virtue of the fact that he is president.

### Sec. 78. Powers and Duties.

The president presides at all meetings of the board (§2759), calls special meetings (§2757.) (The secretary may also call a special meeting when petitioned by a majority of the board (as to notice see §47), or the board itself in session may set a date for a special meeting) (§2757), acts as one of the judges of election at the annual meeting of the electors in corporations having 5,000 population or less (§§2746, 2756), may administer the oath of office to any member-elect of the board (§2758), signs warrants and drafts drawn upon the county treasurer for money apportioned and taxes collected and belonging to his school corporation and orders on the school treasurer as provided by law, signs contracts made by the board, appears on



behalf of his corporation in cases brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary (§2759).

It is also his duty to sign contracts of teachers (§2778), approve and sign contracts made by the subdirector (§2785), and sign school building bonds legally authorized by the board, or by the electors (§2812-E.) In case of the breach of the bond of the secretary or treasurer (these bonds must be filed in his office) brings action thereon in the name of the corporation (§2760), helps enforce the compulsory attendance law (§2823-F), and in school townships is a member of the convention that elects a county superintendent. (§1072.)

He may not receive a salary for official services rendered (§2780) (except that he shall receive from the county ten cents a mile one way for the distance necessarily traveled in attending the convention which elects a county superintendent) (§1072), and the fact that he is president gives him no more power than any other member, except that he approves and signs contracts made by subdirectors (§2785), and when the board of a school township authorizes a subdirector to hire his own teacher such contract shall be binding on the school township only when approved by the president (§2785.) He may vote on all questions coming before the board, and if, by such vote, a tie is produced, the motion is lost (§2757.)

## THE SECRETARY.

### Sec. 79. Election—Qualification—Term.

At the annual meeting of the board in July a secretary shall be elected by ballot for one year (§2757.) If the secretary is absent, a temporary secretary may be appointed for the meeting (§2772), and a vacancy may be filled by the board (§2771.) In counties having a county high school the Board of Trustees elects a secretary from its membership (§2729.)

A teacher or other employee of the board is ineligible to the office of secretary in independent districts, as is also a director in all corporations so long as he remains a member of the board (§2757.) His compensation is determined by the board (§2780), and he is given ten days in which to qualify after his election or appointment. (§2760.)

He shall give bond in such penalty as the board may require, but for at least \$500.00, and take the oath required of civil officers (§2760.) A guarantee company may be accepted as surety. (Code, §§360, 1187.) For form of oath see §107 below. Failure to give bond is a misdemeanor, and he is liable to a fine not exceeding the amount of the bond. (Code, §1197.)

### Sec. 80. Duties of Secretary.

As the name implies, the secretary is clerk of the Board of Directors, attends their meetings, and records their proceedings.

### Sec. 81. Warrants.

"He shall countersign all warrants and drafts upon the county treasurer drawn or signed by the president; draw each order on the treasurer, specify the fund on which it is drawn, and the use for which the money is appropriated; countersign and keep a register of the same, showing the number, date, to whom drawn, the fund upon which it is drawn, the purpose and the amount; and at each regular annual meeting furnish the board with a copy of the same." (§2762.)

### Sec. 82. General Duties.

"The secretary shall file and preserve copies of all reports made to the County Superintendent, and all papers transmitted to him pertaining to the business of the corporation; keep a complete record of all the proceedings of the meeting of the board and the voters of the corporation in separate books; keep an accurate, separate account of each fund with the treasurer, charge him with all warrants and drafts drawn in his favor, and credit him with

all orders drawn on each fund; and he shall keep an accurate account of all expenses incurred by the corporation, and present the same to the board for audit and payment. At the annual meeting he shall record, in a book provided for that purpose, the names of all persons voting thereat, the number of votes cast for each candidate, and for and against each proposition submitted. \* \* \* " (§2761.)

**Sec. 83. Files Monthly Financial Report in Independent Town and City Districts.**

"The secretary of each independent town or city district shall file monthly, on or before the tenth day of each month, with the Board of Directors, a complete statement of all receipts and disbursements from the various funds during the preceding month, and also the balance remaining on hand in the various funds at the close of the period covered by said statement; which monthly statements shall be open to public inspection." (§2761.)

**Sec. 84. Gives Notice of Annual Meetings of Electors.**

See §129 below.

**Sec. 85. Notice of Special Meetings of Electors in Corporations of Five Thousand or More.**

"The secretary of the Board of Directors in any school corporation which is divided into precincts, shall give notice of all special meetings of the voters as provided by §2755 of the supplement to the Code. Each notice shall state the date, place and hours during which the meeting will be in session, and the object of the meeting." (§2763-A.) See §129.

**Sec. 86. Notice of Special Meetings of Electors in Independent Corporations of Less Than Five Thousand.**

"The secretary of the Board of Directors for any school corporation, located wholly within, or partly within, the corporate limits of cities of the first class, cities of the second class, or incorporated towns which may not have adopted the provisions of section twenty-seven hundred fifty-five (2755) of the supplement to the Code, and divided into precincts, shall give notice of special meeting of the voters in the same manner as for the annual meeting, by posting at least five notices in five public places within said corporation, for not less than ten days next preceding the day of special meeting. Each notice shall state the date, place and hours during which the meeting will be in session, and the object of the meeting." (§2763-B.) See §129.

**Sec. 87. Notice of Special Meetings of Electors in School Townships.**

"The secretary of the Board of Directors for any school township, or for any school corporation not included in the preceding sections, shall give ten days' printed or written notice of special meeting to the voters, posted in at least five public places within the corporation. They shall be posted at the door of each schoolhouse, and also at or near the last place of meeting, and each notice shall state the date, place and hours of meeting." (§2763-c.)

**Sec. 88. Reports.**

"He shall notify the County Superintendent when each school is to begin, and its length of term, and within five days after the regular July meeting in each year, file with the County Superintendent a report which shall give the number of persons in the corporation, male and female, of school age, the number of schools and branches taught, the numbers of scholars enrolled, and an average attendance in each school, the number of teachers employed, and the average compensation paid per month, distinguishing the sexes, the length of school in days, and the average cost of tuition per month for each scholar, the textbooks used, number of volumes in library, the value of apparatus belonging to the corporation, the number of schoolhouses and their estimated values, the name, age and postoffice

address of each deaf and dumb or blind person in the corporation between the ages of five and twenty-one years, and this shall include those who are so blind or deaf as to be unable to obtain an education in the common schools, a like report as to all feeble-minded children of and between such ages, and the number of trees set out and in thrifty condition on each school ground." (§2765.)

At the close of the school year the secretary in consolidated independent districts shall make to the State Superintendent such report as he may require. (§2794-e.)

#### **Sec. 89. Register of Persons of School Age.**

"He shall, between the first day of June and the first day of July of each year, enter in a book made for the purpose, the name, sex, and age of every person between five and twenty-one residing in the corporation, together with the name of the parent or guardian." (§2764.)

The above enumeration should include only those of school age residing in the corporation on June 1.

**Whom to Include in the Enumeration.** Every person between five and twenty-one should be enumerated where he resides. A child in one of the charitable or reformatory institutions temporarily, and whose parents or guardian reside in another part of the State, or in another school district, is a resident of the district in which his parents reside, and should be enumerated there.

#### **Sec. 90. Other Statutes Affecting the Secretary are as follows:**

Contracts with the teacher must be filed with the secretary before the teacher begins to teach (§2778). In appeal cases from the decision of the board he files a transcript with the County Superintendent within ten days after that officer has notified him that an appeal has been taken (§2819.) When the board of a school township changes the boundaries of a subdistrict, as they may do under §2801 (see §9), the secretary shall designate the changes on a plat of the school township, and shall record a written description thereof in the records of the school township, copies of which he shall deliver to the county auditor and county treasurer (§2801.) He shall appear for the corporation in all actions brought by or against it when the president is individually a party (§2759.) He records the numbers of persons of school age (§2785), acts as one of the judges of election at the annual meeting in corporations of less than 5,000 (§2746), countersigns school funding bonds (§2812-e), gives notice of the election of directors when rural independent districts are united into a school township (§2800), gives notice of subdistrict meetings when there is no director (§2751), may call a board meeting when a majority of the board so request in writing (as to notice see §47) (§2757), in rural corporations helps select library books (§2823-O), and in school townships distributes library books semi-annually, keeps a record of books purchased and distributed by him (§§2823-Q and 2823-C), certifies taxes to the Board of Supervisors (§2767), and in independent city and town districts has ballots printed. (§2754.) See §133.

### **THE TREASURER.**

#### **Sec. 81. Election—Qualification—Term.**

In corporations composed in whole or in part of cities or towns a treasurer shall be chosen at the same time and in the same manner that directors are chosen; that is, by ballot on the second Monday in March (§2754.) The boards of all other corporations shall elect a treasurer by ballot at their annual meeting in July (§2757.) A vacancy shall be filled by the board (§2771.) The treasurer may not be a board member (§2757), and by a recent statute may not be paid a salary for his services (§2870.) The term of office of the treasurer for city and town corporations is two years (§2754.) All treasurers shall give bond in such penalty as the board may require,



but for at least \$500.00, and take the oath required by civil officers (§2760.) Failure to give bond is a misdemeanor, and he shall also be liable to a fine not exceeding the amount of the bond required (Code, §1197.) A guarantee company may be accepted as surety (Code, §§360, 1187.) He is given ten days in which to qualify after his election or appointment (§2780.) For form of oath see §107.

#### **Sec. 92. Duties of Treasurer.**

The treasurer has charge of all money belonging to the corporation and disburses it when authorized to do so. The county treasurer shall pay over quarterly to him the amount of school funds on hand belonging to the corporation (§§2808, 2810.) No order shall be drawn upon the treasurer until the claim therefor shall be audited and allowed by the board (§2780.) He shall keep a record of school funding bonds sold. (§2812-f.)

#### **Sec. 93. Payment of Warrants.**

"The treasurer shall receive all moneys belonging to the corporation, pay the same out only upon the order of the president, countersigned by the secretary, keeping an accurate account of all receipts and expenditures in a book provided for that purpose. He shall register all orders drawn and reported to him by the secretary, showing the number, date, to whom drawn, the fund upon which drawn, the purpose, and amount. The money collected by tax voted, or the proceeds of the sale of bonds valid for the purpose of building schoolhouses, shall be called the schoolhouse fund, and all other moneys received for any other purpose shall be called the general fund; and he shall keep a separate account with each fund, paying no order that fails to state the fund upon which it is drawn, and the specific use to which it is to be applied. Whenever an order cannot be paid in full out of the fund upon which it is drawn, partial payment may be made. All school orders shall draw lawful interest after being presented to the treasurer and by him endorsed as not paid for want of funds." (§2768 as amended by H. F. 565, 37th G. A.)

#### **Sec. 94. Deposit of Funds at Interest—Bond Required of Bank.**

"It is hereby made the duty of the treasurer of each school corporation to deposit all funds in his hands as such treasurer in some bank, or banks, in the State, at interest at the rate of at least two per cent per annum on ninety per cent of the daily balances payable at the end of each month, all of which shall accrue to the benefit of the general fund of such school corporation; but, before such deposit is made, such bank shall file a bond, with sureties, to be approved by the treasurer and the Board of Directors of such corporation, in double the amount deposited, conditioned to hold the school corporation harmless from all loss by reason of such deposit or deposits; provided, that in cases where an approved surety company's bond is furnished, said bond may be accepted in an amount equal to ten (10) per cent more than the amount deposited. Said bond shall be filed with the president of the School Board, and action may be brought thereon either by the treasurer or the school corporation as the board may elect." (§2768, as amended by H. F. 565, 37th G. A.)

#### **Sec. 95. Financial Statement and Report to County Superintendent.**

"He shall render a statement of the finances of the corporation whenever required by the board, and his books shall always be open for inspection. He shall make an annual report to the board at its regular July meeting, which shall show the amount of the general fund, and the schoolhouse fund held over, received, paid out, and on hand, the several funds to be separately stated, and he shall immediately file a copy of this report with the County Superintendent." (§2769, as amended by H. F. 565, 37th G. A.)

#### **Sec. 96. Settlement.**

The interest and protection of the taxpayers require that a full and complete settlement should be made at least once each year, and that the

settlement at the July meeting requires that the funds and property shall be produced and fully accounted for, and that these facts should be indorsed upon the new bond of the treasurer, if he is re-elected. (Note 1 under §2769.)

"Where the treasurer, who is about to succeed himself in office, makes a settlement with the board, as by statute provided, producing in some tangible form the money which he should have on hand, the sureties on his new bond are conclusively bound thereby; and they will be estopped from pleading or proving that the funds so exhibited were borrowed, or otherwise temporarily or fraudulently procured, and never, in fact, went into the public treasury. But, where the money is not produced in any form, and the board, charged by law with making the settlement, accepts a mere book account or personal statement of the treasurer that he has the funds in his possession, then the liability on the bond is prima facie only; and the sureties will be relieved if it be fairly established that the shortage originated during a prior term. (155 Iowa 275.)

#### **Sec. 97. The Director in Independent Districts.**

The qualifications and method of election of directors in independent districts are given in §§128 to 146 below, to which the reader is referred. Suffice it to say that the powers of a director of an independent district are exercised as a member of the board and acting as such at a meeting thereof. As to number, see §116-A.

#### **Sec. 98. The Subdirector.**

Most of the powers of a subdirector are given in the chapter, "The Subdistrict Meeting," §147. For the topic, "Time of Election," see §147; for "Term of Office," see §155; for "When to Qualify," see §157; for Method of Election," see §152; for "Vacancies—How Created," see §158; for "Vacancies—How Filled," see §159. As to number, see §132.

#### **Sec. 99. Powers and Duties of Subdirector.**

Most of the powers of a subdirector are exercised as a member of the board, and acting as such at a meeting of the board. See §43 and following sections. There are a few duties which are required of the subdirector as such, as follows:

##### **Contracts.**

"The Board of Directors of a school township may authorize the director of each subdistrict, subject to its regulations, to make contracts for the purchase of fuel, the repairing or furnishing of schoolhouses, and all other matters necessary for the convenience and prosperity of the schools in his subdistrict. Such contracts shall be binding upon the school township only when approved by the president of the board, and must be reported to the board. \* \* \* The powers specified in this section cannot be exercised by individual directors of independent districts." (§2785.)

#### **Sec. 100. Gives Notice of Subdistrict Meeting.**

See §148 under the "Subdistrict Meeting."

#### **Sec. 101. Takes the School Census.**

"Each director shall, between the first and fifteenth days of June, in each year, prepare a list of the heads of families in his subdistrict, the number and sex of all children of school age, and by the twentieth day of said month report this list to the secretary of the school township, who shall make full record thereof. The powers specified in this section cannot be exercised by individual directors of independent districts." (§2785.) See also §89 and §211.

#### **Sec. 102. Care of Library.**

"Unless the Board of Directors shall elect some other person, the secretary in independent districts and director in subdistricts in school townships shall act as librarian, and shall receive and have the care and custody



of the books, and shall loan them to teachers, pupils, and other residents of the district, in accordance with the rules and regulations prescribed by the State Board of Educational Examiners and Board of Directors. Each librarian shall keep a complete record of the books in a record book furnished by the Board of Directors. During the periods that the school is in session the library shall be placed in the schoolhouse, and the teacher shall be responsible to the district for its proper care and protection. The Board of Directors shall have supervision of all books and shall make an equitable distribution thereof among the schools of the corporation." (§2823-R.)

**Sec. 103. Purchasing Supplies—Repairs.**

See §121 below.

**Sec. 104. Hiring Teachers.**

See §§121 and 51.

**Sec. 105. Compulsory Attendance Law.**

It is his duty to help enforce the compulsory attendance law. See §211.

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## CHAPTER VI.

### ANNUAL MEETING OF THE SCHOOL BOARD AND ORGANIZATION OF THE BOARD IN ALL SCHOOL CORPORATIONS.

**Sec. 106. Time.**

107. The Old Board.
108. Settlement With Treasurer.
109. The New Board.
110. Organization of New Board.
111. Quorum.
112. Order of Business.
113. Approval of Bonds of Secretary and Treasurer.
114. Designate Period Schools Shall Be in Session.
115. Fix Date for Opening Schools.
116. Vacations—Holidays—Intermissions—Rules and Regulations.
117. Repairs on School Buildings and Grounds.

**Sec. 118. Supplies.**

119. Determine Wages to Be Paid.
120. Determine Number of Schools to Be Taught.
121. Employ Teachers and Instruct Subdirector in Regard to Scope of His Authority.
122. Purchasing Books for Indigent Children.
123. Library Books—Purchase.
124. Provide for Tuition of Pupils in High School.
125. Provide for Visitation of Schools.
126. Estimate Taxes Needed in Various Funds.
127. Number of Directors in Independent Districts.

**Sec. 106. Time.**

The annual meeting of the directors in all school corporations shall be held on the first day of July, unless that day falls on a Sunday, in which case it shall be held on the day following. On this day the boards of all school corporations except those of cities, towns and villages, school townships maintaining school, or schools, with high school departments, and consolidated independent districts, shall organize. All other boards shall organize on the third Monday in March. (§2757.)

**Sec. 107. The Old Board.**

On July 1st, then, except as noted above, the board meets in all corporations and closes up the business for the year. Since the new boards in all rural corporations organize on this date, the old board should meet and transact the business before them sufficiently early to enable them to adjourn in time for the new board to organize and transact the business that may come before it.

The following Order of Business is recommended to be followed by the old board: (1) call to order by president, (2) roll call, (3) reading of minutes of previous meeting, (4) unpaid bills, (5) examination of books and settlement with secretary and treasurer, (6) unfinished business, (7) admin-

istration of oath of office to directors-elect, (8) deliver school laws to successor, (9) adjourn.

The form of the oath is as follows: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office of (president or director, as the case may be,) in (naming the school corporation) as now or hereafter required by law." (Code, §1180.)

The above oath can be administered by any member of the board (§2758), but cannot be administered by the secretary unless he is a notary public or justice of the peace, or other officer empowered to administer oaths. The oath must be administered to each member-elect and to the president-elect, before they assume the duties of office. A director may not administer the oath to the secretary or treasure. (Code, §393.) This oath should also be written out, and the person taking the oath must sign it. (Code, §1180.)

#### **Sec. 108. Settlement With Treasurer.**

The old board should transact such business as may properly come before it, such as allowing unpaid bills authorized by it, but the one great duty of boards of all corporations will be the settlement with the secretary and the treasurer to determine the financial condition, and to see that the records of these officers correctly report the business of the corporation during the year. Unless great care is exercised the district may suffer loss thereby.

In making such settlement the following should be observed:

**Balances.** That the balances at the beginning of the year just closed are the same as those on hand when you settled with the treasurer last year.

**Orders on County Treasurer.** That the school treasurer has charged himself with all orders on the county treasurer turned over to him.

**Miscellaneous Receipts—Tuition.** That he has charged himself with all other receipts paid to the corporation, including tuition.

**Paid Teachers.** Note that the amount paid teachers, male and female, is correctly reported.

**Miscellaneous Disbursements.** See that the other expenditures, including the amount paid for library books, are correctly reported. Make the item "Paid for other purposes" in each fund as small as possible by specifying all of the other disbursements under the proper title.

**School Building Bond Fund.** All money collected to pay on school building bonds should be charged to the school building bond fund, and not to the schoolhouse fund. Also, all amounts paid on school building bonds should be credited to the school building bond fund and not to the schoolhouse fund.

**Indebtedness.** Observe that the total indebtedness on June 30 is correctly reported to the County Superintendent on the blank furnished the treasurer through that officer.

**Inventory.** Make an inventory of the schoolhouses and apparatus, and see that the same is correctly reported to the County Superintendent by the secretary.

**Agreement of Reports.** The records of the secretary, and those of the treasurer should agree as to each fund, the amounts received from each source and the amounts expended for each purpose. Note particularly that the reports of these officers agree with respect to library books and tuition.

#### **Sec. 109. The New Board.**

The new board (except in city, town and village independent corporations, and in school townships maintaining school or schools with high school departments, and consolidated independent districts) must organize on July 1st, or on the day following if the first falls on a Sunday. (§2757.)

#### **Sec. 110. Organization of New Boards.**

The retiring board of each rural independent district, and school township not maintaining a high school department, having completed its labors and adjourned, the directors-elect for these corporations will organize for the year just beginning. The organization is effected by the election of a president from among the members, and a secretary and treasurer from outside of the board by ballot (§2757). The boards of all other school corporations having organized on the third Monday in March, will not elect a president at this time, but will elect a secretary for each of such corporations. In independent village corporations, the board will elect a treasurer also (§2757.) Treasurers for cities and towns are chosen by the electors in March (§2754.) If a consolidated district includes a city or town, a treasurer is elected by the voters thereof (§2754.)

#### **Sec. 111. Quorum.**

"A majority of the Board of Directors shall constitute a quorum  
\* \* \* " (§2771.)

#### **Sec. 112. Order of Business.**

The following order of business is recommended to be followed by the new board: (1) call to order, (2) election of president (except as noted in §110 above), (3) election of secretary, (4) election of treasurer, (5) approval of bonds of secretary and treasurer, (6) fixing period each school shall be in session, (7) fixing date for opening schools, (8) determining rules and regulations for school government, (9) repairs, (10) supplies, (11) arrange to enforce the compulsory attendance law, (12) determine wages to be paid, (13) employment of teachers, (14) determine number of schools to be taught, (15) fix amount to be expended for library books, (16) provide for tuition of pupils in high school, (17) estimate amount of taxes necessary for the coming year, (18) new and unfinished business, (19) new buildings—heating and ventilation of buildings, (20) adjournment.

"An adjournment is an act, not a declaration. It is an act of separation and departure, and, until this takes place, the adjournment is not complete." (173 Iowa 610.)

The most important duty devolving upon the new boards at the July meeting is to plan for the schools of their respective corporations for the coming year. Specifically among these important matters are the following:

#### **Sec. 113. Approval of Bonds of Secretary and Treasurer.**

The secretary and the treasurer shall each give bond in such amounts as the board shall determine, but for at least \$500.00 (§2760.) Both have ten days in which to qualify. The oath is the same as required of directors (see §99), but he must subscribe to the oath on the back of the bond, or on a paper attached thereto, to be certified by the officer administering it. (Code, §1181.) Failure to give bond is a misdemeanor, and a \$500.00 fine is also provided. (Code, §1197.)

#### **Sec. 114. Designate the Period Each School Shall Be in Session Beyond the Time (24 Weeks) Required by Law.**

#### **Sec. 115. Fix the Date for Opening Schools.**

#### **Sec. 116. Arrange in Regard to Vacations, Holidays, Intermissions, Rules and Regulations.**

See this topic under §§52 and 167.

#### **Sec. 117. Repairs, Etc., on School Buildings and Grounds.**

No school yard shall be fenced with barb wire. (§2817.)

#### **Sec. 118. Supplies.**

Our State Superintendent says that "Every school should be equipped with a New International Dictionary, also several small school dictionaries, a suitable set of maps, a globe, erasers, chalk, covered water jar, broom



and dustpan, slate blackboard and supplementary readers for the first three grades at least, and all if possible." See §121.

**Sec. 119. Determine the Wages to Be Paid.**

The minimum wage law, enacted by the 35th General Assembly (§2778-B), makes it compulsory to pay at least this minimum wage. See §187.

If the boards see fit, they may pay more in one school than in another for the same grade of certificate. If a school is extra large, difficult to teach, or if, for any reason, it is difficult to get a teacher, it may be desirable that a bonus be offered to teachers for these schools.

**Sec. 120. Determine Number of Schools to Be Taught:**

Section 2773 says that the board shall determine the number of schools that shall be taught.

**Non-User.** "In the case of non-user for school purposes for two years continuously of any real estate acquired for a schoolhouse site it shall revert, with improvements thereon, to the owner of the tract from which it was taken, upon repayment of the purchase price, without interest, together with the value of the improvements, to be determined by arbitration, but, during its use, the owner of the right of reversion shall have no interest in, or control over, the premises." (§2816.) This applies, though the County Superintendent consents that such school be closed. (173 Iowa 43.)

**Sec. 121. Employ Teachers and Instruct Subdirector in Regard to Scope of His Authority.**

Shall the subdirector in school townships be permitted to hire his own teacher? The board may delegate this power to each director if it sees fit to do so. See §51. (§2778.) What supplies may each director purchase? Superintendents may be employed for three years. See §48.

"The Board of Directors of a school township may authorize the director of each subdistrict, subject to its regulations, to make contracts for the purchase of fuel, the repairing or furnishing of schoolhouses, and all other matters necessary for the convenience and prosperity of the schools in his subdistrict. Such contracts shall be binding upon the school township only when approved by the president of the board." (§2778.)

**Sec. 122. Purchasing Books for Indigent Children.**

"The board may furnish schoolbooks to indigent children when they are likely to be deprived of the proper benefits of school unless so aided." (§2783, as amended by H. F. 565.)

**Sec. 123. Library Books—Purchase.**

See §74.

**Sec. 124. Provide for Tuition of Pupils in High School.**

For the provisions of this law see §210 below.

**Sec. 125. Provide for Visitation of Schools.**

The board shall provide for visiting the schools of the district by one or more of its members, and aid in the government thereof. (§2782.)

**Sec. 126. Estimate the Taxes Needed in the Various Funds.**

For the maximum amount that may be estimated by the board for the general fund see §217 below. The schoolhouse fund is voted by the electors at the annual meeting in March, or at a special meeting called for that purpose. See §§136, 138 and 227 below.

**Sec. 127. Number of Directors in Independent Districts.**

All districts comprising cities of the first class, and those under special charter, have seven directors. In all other city, town or village and consolidated districts the board consists of five members. Rural independent districts elect three directors. (§§2754, 2795.)

## CHAPTER VII.

### MEETINGS OF ELECTORS—THE ANNUAL AND SPECIAL MEETINGS.

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|---|--|
| Sec. 128. Date.                                   | 138. Election by Ballot—Form of Proposition.                   |
| 129. Notice—By Whom Posted.                       | Sec. 139. Who May Vote and Qualification of Electors.          |
| 130. Beginning, Duration and Closing the Meeting. | 140. Registration.   |
| 131. Organization of Meeting.                     | 141. Who May Be Director, and Term of Office.                  |
| 132. Election of Director—Vacancies.              | 142. Vacancies in Office of Director in Independent Districts. |
| 133. Names of Candidates Filed, When.             | 143. Poll Books.   |
| 134. Form of Petition to Nominate.                | 144. Organization of Boards.                                   |
| 135. Election of Treasurer.                       | 145. Financial Statement.                                      |
| 136. Powers of Electors.                          | 146. Special Meetings of Electors, Notice.                     |
| 137. When Proposition Must Be Submitted.          |  |

#### Sec. 128. Date.

An annual meeting of the voters of each school corporation shall be held on the second Monday in March (§2746.) For special meetings see §146.

#### Sec. 129. Notice—By Whom Posted.

It is mandatory upon the secretary to post notices for the annual meeting in at least five public places in the corporation not less than ten days before the date of the meeting (§2746.) In computing such ten days the first day is excluded and the last day is included, so a notice posted on March 18 of an election, called for March 28, is sufficient. (152 N. W. (Ia.) 623.) It is not necessary that the notices posted remain legible during the entire period for which they are posted. "Of course, the officers must exercise some care in the matter, but they are not held to insure the continued legibility of the notices as posted." (160 N. W. (Ia.) 291.) For corporations of 6,000, or more, inhabitants a ten days' notice shall be posted in each precinct, and published in a newspaper once each week for two consecutive weeks, "such notice to state the time, respective voting precincts, and the polling place in each precinct, and also to specify what questions authorized by law, in addition to the election of director, or directors, shall be voted upon and determined by the voters of the several precincts." Whether or not a city of 6,000, or over, is divided into voting precincts rests in the discretion of the board. (§2755, as amended by H. F. 405, 37th G. A.) See also Nos. 8, 11 and 12, under §136 below. As to notice of special meetings, see §146.

It is of the greatest importance that notice be given as indicated in paragraph above, and as required by §§2746 and 2755, since the Supreme Court has held that none of the powers enumerated in §2749 (this section states what the powers of the electors at the annual meeting are) (§152 below), may be exercised by the voters unless proper notice has been given (118 Iowa, 207.) The secretary may not give notice that any proposition will be submitted at the annual meeting unless directed to do so by the Board of Directors. (133 Iowa, 120.) Unless petitioned, it is discretionary with the Board of Directors whether a proposition will be submitted. (2749.)

#### Sec. 130. Beginning, Duration and Closing the Meeting.

In school corporations of five thousand, or more, inhabitants the polls shall open at 9:00 a. m. (§2756.) In all other corporations the polls shall open at 1:00 p. m. (§2754.)

In school corporations having five thousand or more inhabitants the polls shall remain open from 9:00 a. m. to 7:00 p. m. (§2756.) In independent city or town districts not included in above class they shall remain open at least five hours (§2754.) In rural independent districts and school townships they shall remain open at least two hours (§2754.)

The proceedings taken will not be invalidated, however, because the polls are kept open a longer time than is required. (172 Iowa 340.)

#### Sec. 131. Organization of Meetings.

The president and secretary of the board, with one of the directors, shall act as judge of election in corporations of less than five thousand population (§2746.) In the absence of any of these officers, the electors present shall fill the vacancy from their number (§2746.) For corporations of five thousand, or more, the board shall select three voters of the precinct, one of whom shall act as clerk, who shall be sworn, as provided in case of a general election. Such judges may or may not be members of the board, as the board may determine, provided that not more than one member of the board shall act as judge at any one voting precinct. (§2756.) But "irregularities in the selection of election judges will be disregarded unless prejudice is shown." (172 Iowa 340.)

#### Sec. 132. Election of Directors—Vacancies.

In all independent school corporations directors shall be chosen at the annual meeting on the second Monday in March, by ballot (§2746.) If a vacancy exists, or if one has been filled by the board prior to this meeting, the electors, in addition to choosing a director for the regular term, should also elect a person to fill the vacancy (2771.) The ballot should designate whether the person is a candidate for the full term, or to fill the vacancy (§2746.) School townships having an even number of subdistricts elect a director-at-large at the annual meeting. Those not divided into subdistricts elect three directors at the annual meeting (§2752.) As to number of directors see §127.

#### Sec. 133. Names of Candidates for Director and Treasurer Filed in Independent City and Town Districts.

" \* \* \* The names of all persons nominated as candidates for office in all independent city or town districts shall be filed with the secretary of the School Board not later than seven days previous to the day on which the annual school election is to be held, each candidate to be nominated by a petition signed by not less than ten qualified electors of the district. The secretary of the School Board shall cause to be printed ballots upon which shall appear in alphabetical order the names of all candidates for each office, filed as herein provided, and a blank line for each such officer to be elected, and there shall be at the left of each name and each blank line a square, and there shall also be a direction to the voter as to the number of candidates to be voted for at said school election. Ballots shall be printed upon plain, substantial paper of uniform quality, and shall have no party designation or mark whatever. The secretary of the board shall cause to be delivered at the several polling places a sufficient number of ballots. In all other respects the said school election in independent city or town districts shall be conducted under the general election laws of the state of Iowa so far as same may be applicable." (§2754.)

#### Sec. 134. Form of Petition to Nominate Candidates in Town and City Districts.

See §133.

#### NOMINATION PAPERS FOR THE OFFICE OF.....

I, the undersigned, a duly qualified elector of the Independent School District of....., County of....., State of Iowa, do hereby nominate....., a resident of the said Independent School District of....., County of....., State of Iowa, as a candidate for the office of....., to be voted for at the regular election held on the second Monday in March, 191.....

Name.

Residence.  
(With street and number, if any.)

Date of  
Signing.



### **Sec. 135. Election of Treasurer.**

In independent city and town corporations a treasurer shall be chosen at the same time, and in the same manner, that directors are chosen; that is, by ballot at the annual meeting of the electors. The term of office begins July 1 following the election and continues two years (§2754.) In all other school corporations the treasurer is elected by the board at the July meeting for the term of one year (§2757.)

### **Sec. 136. Powers of Electors.**

When due notice has been given by the secretary (see §129 and §146), the electors have, in addition to electing a director, or directors, and a treasurer in corporations of five thousand or more, when assembled at the annual meeting, the following powers:

1. To direct a change of textbooks regularly adopted. (Except in rural districts where there is county uniformity.)

2. To direct the sale, or make other disposition of any schoolhouse, or site, or other property, belonging to the corporation, and the application to be made of all the proceeds of such sale.

3. To determine upon added branches that shall be taught, but instruction in all branches except foreign languages, shall be in English.

4. To instruct the board that school buildings may or may not be used for meetings of public interest.

5. To direct the transfer of any surplus in the schoolhouse fund to the general fund.

6. To authorize the board to obtain, at the expense of the corporation, roads for proper access to its schoolhouses.

7. To vote a schoolhouse tax, not exceeding ten mills on the dollar in any one year, for the purchase of grounds, construction of schoolhouses, the payment of debts contracted for the erection of schoolhouses, not including interest on bonds, procuring libraries for, and opening road to schoolhouses. (§2749, as amended by H. F. 565, 37th G. A.)

8. To authorize the board to issue school building bonds. (§2812-D.) If it is desired to issue bonds in a sum in excess of one and one-fourth per cent of the actual valuation of the property of the corporation, see §230 below.

9. To vote on a proposition for county uniformity of textbooks when such proposition is submitted by the County Board of Education. (§2831.)

10. To vote a judgment tax. (§2811.)

11. To furnish free textbooks (§2836.) This proposition can be submitted only when ten per cent of the qualified voters shall file a petition therefor with the secretary thirty days or more before the annual meeting of the electors. (§2836, as amended by H. F. 49, 37th G. A.)

12. To authorize in districts containing or contained in cities of the first or second class, cities under special charter, or cities under the commission plan of government, the use of school buildings and grounds, etc., for recreation purposes, twenty-five per cent of the voters petitioning therefor. (§2823-u.)

13. May restrict school board in permitting school buildings to be used for other than school purposes. Such action must be taken at an (H. F. 167, 37th G. A.) annual meeting.

### **Sec. 137. When Propositions Must Be Submitted.**

" \* \* \* The board may, or, upon the written request of five voters of any rural independent district, or of ten voters of any school township, or of twenty-five voters of any city or town independent district having a population of five thousand, or less, or of fifty voters of any other city or town independent district, shall provide in the notice for the annual meeting for submitting any proposition authorized by law to the voters." (§2749.)

And when so petitioned it is mandatory upon the board to provide for submitting any proposition included in the petition. Since §2746 requires ten days' notice to be given, it is necessary that petitions be filed with the board more than ten days before the annual meeting, to enable it to direct the secretary to give proper notice that such propositions will be submitted. (See exceptions, however, noted in Nos. 8, 11 and 12, next above.)

**Sec. 138. Election by Ballot—Form of Proposition.**

All elections by the people shall be by ballot. (Cons. of Iowa, Art 2, §6), and " \* \* \* All propositions shall be voted upon by ballot in substantially the following form: 'Shall a change of textbooks be directed?' (or other question, as the case may be,); and the voter shall designate his vote by writing the word 'yes' or 'no' in an appropriate place on the ballot." §(2749.) The omission from the official ballots of the detailed proposition to be voted on does not necessarily invalidate an election. "If the voter knows, or can readily ascertain the full scope and meaning of the proposition by reference to other papers and proceedings, it is sufficient. In other words, the language of the ballot is to be construed in the light of facts connected with the election." (173 Iowa 610.) For form of proposition when it is desired to issue school building bonds in excess of one and one-fourth per cent of the actual valuation of the property of the corporation, see §230.

A tie vote for director or treasurer shall be publicly determined by lot, forthwith, before adjournment, under the direction of the judges (§2754), and the judges of election shall issue certificates of election to the directors chosen. (§2748.)

**Sec. 139. Who May Vote and Qualifications of Electors.**

See §153.

**Sec. 140. Registration—When Required.**

"Each school corporation having five thousand, or more, inhabitants may be divided into such number of precincts as the Board of Directors shall determine, in each of which a poll shall be held at a convenient place, fixed by the Board of Directors, for the reception of ballots of voters residing in such precinct. The clerk of the city shall furnish to the Board of Directors the last registers of elections, and these registers shall be used at, and have the same force and effect at school elections held under this section in reception of votes thereat, as at general elections. The Board of Directors of such school corporation, on or before the last Monday preceding such election shall appoint two suitable persons to be registrars in each of the election precincts of such school corporation for the registration of voters therein, who shall have the same qualifications as registrars appointed for general elections, and shall qualify in the same manner, and receive the same compensation to be paid by the school corporation. The registrars shall meet on the day of election at the voting place in the precinct in which they have been appointed, and shall hold continuous session from nine o'clock in the forenoon until seven o'clock in the afternoon. Any person claiming to be a voter, and who is not already registered in the proper precinct, may appear before them in the election precinct where he claims he is entitled to vote, and make, and subscribe to, under oath, a statement in the registry book, which oath and statement shall be of the same general character as that prescribed by section 1077 of the code, and shall thereupon be granted a certificate of registration. \* \* \* No register shall be prepared, nor shall registration be required, in any school corporation containing a city in which registration is not required at the general or city elections." (§2755, as amended by H. F. 405, 37th G. A.)

**Sec. 141. Who May Be Director and Term of Office.**

See §143 below. The term of office in school townships is one year and in independent districts it is three years. (§2745.)



**Sec. 142. Vacancies in Office of Director of Independent Districts.**

The law pertaining to vacancies in the offices of subdirector and director in independent districts is the same. See §158 and the first sentence of §148.

**Sec. 143. Poll Books.**

At the annual meeting the secretary shall record in a book provided for that purpose the names of all persons voting thereat, the number of votes cast for each candidate, and for and against each proposition submitted. (§2761.)

**Sec. 144. Organization of Boards.**

See §44. Persons elected to fill vacancies on any board will assume the duties of their office as soon as they qualify. They must qualify within ten days from the date of their election or appointment. (Code, §1295.)

**Sec. 145. Financial Statement.**

It is the duty of the board of every school corporation, two weeks before the annual school election in March, to publish, by insertion in one or more newspapers, if any are published in such district, or, if there are none, by posting up not less than three detailed and specific statements of receipts and expenditures for the year preceding. They shall, in like manner, publish an estimate of the amounts they believe necessary to maintain the schools for the ensuing school year. (§2781, as amended by H. F. 412.)

**Sec. 146. Special Meetings of Electors—Notices.**

A special meeting may be held, which " \* \* \* shall have the power given to a regular meeting with reference to the sale of school property, and the application to be made of the proceeds, and to vote a schoolhouse tax for the purchase of a site and the construction of a necessary schoolhouse, and for obtaining roads thereto." (§2750.) The provisions of the law pertaining to special meetings of the electors, and the notice thereof, are found in §§2750, 2753, 2763-A, 2763-B, 2763-C, 2794-A and 2820-d 3. (See §§85 to 88.) It is important to remember that the notice required to be given for a special meeting is not the same in every case as the notice required to be given for the regular annual meeting. For example: in a school township, at the regular annual meeting, notices must be posted in five public places in the corporation (§2746), whereas, at the special meeting in the school township at least five notices must be posted, and they shall be posted at the door of each schoolhouse, and also at or near the last place of meeting. (§2763-C.)

The above does not mean, however, that a special election of the voters for the purpose of changing the form of organization must be held at a certain time.

Section 2820-d 2 provides (See §230) that certain independent districts may contract an indebtedness not exceeding five per cent of the actual value of the taxable property, and section 2820-d 3 provides that notice thereof shall be given by publication in a newspaper. These statutes have been construed by the Supreme Court, in 172 Iowa 340, in which it is said: "Coming down to the crucial question before us, we find that in one section there is a provision that notices of both annual and special meetings must be given by posting. (§§2746, 2750); yet section 2820-d-3 says that notice of such an election as was here held shall be by publication. The only way to harmonize these is to say that the first two relate to other than independent districts, and the last to independent districts, or to independent districts under certain conditions which are here present—that is to say, to the creation of certain indebtedness. But if they cannot be harmonized, the last section is the last expression of the legislature applicable to such elections as are here involved, and, being the last, all former statutes with reference to the same subject inconsistent with the latter one are, by implication, re-

pealed. Whichever view be taken, as defendant followed the law as found in §§2820-d 1 to 2820-d-4, the published notice must be upheld." (172 Iowa 340.)

## CHAPTER VIII.

### THE SUBDISTRICT MEETING.

- |   |   |
|---|---|
| Sec. 147. Date.                                   | Sec. 153. Who May Vote—Qualification of Electors. |
| 148. Notice—By Whom Posted.                       | 154. Who May Be Director.                         |
| 149. Purpose of Meeting and Powers of Electors.   | 155. Term.  |
| 150. Beginning, Duration and Closing the Meeting. | 156. Failure to Elect—Holdover.                   |
| 151. Organizing and Conducting.                   | 157. When to Qualify.                             |
| 152. Election by Ballot—No Caucus—Tie Vote.       | 158. Vacancies—How Created.                       |
|   | 159. Vacancies—How Filled.                        |

A meeting of the voters of each subdistrict of the school township shall be held on the first Monday in March (§2751.) Special meetings may also be held. See §149 below.

#### Sec. 148. Notice—By Whom Posted.

At least five days' notice of the meeting shall be given by posting notices in at least three public places in the subdistrict (2751.) If a special schoolhouse tax is to be voted on the property of the subdistrict, ten days' notice must be given (§2753.) Notices for the regular subdistrict meeting shall be posted by the subdirector, but if there be no subdirector, they shall be posted by the secretary of the board (§2751.)

#### Sec. 149. Purpose of Meeting and Powers of Electors.

The voters shall select a chairman and secretary, who shall act as judges of election. They shall also elect a director for the subdistrict (§2751), and, if ten days' notice has been given, may vote to raise a greater amount of schoolhouse tax than that voted by the voters of the school township, the aggregate amount of both not to exceed fifteen mills on the dollar (§2753.) A special meeting may also be held to vote a special schoolhouse tax, ten days' notice being given (§2753.)

#### Sec. 150. Beginning, Duration and Closing the Meeting.

The subdistrict meeting shall not organize earlier than nine o'clock a. m., and shall not adjourn earlier than twelve o'clock m. (§2751.) The polls shall remain open at least two hours. (§2754.)

#### Sec. 151. Organizing and Conducting.

Any qualified voter may call the meeting to order, and the first business is the election of a chairman and a secretary from among the voters present (§2751.) The chairman shall declare the polls open for the purpose of electing a director of the subdistrict, and for such other business as may come before the meeting, stating each proposition. When the hour for closing arrives the chairman should declare the polls closed, and the judges of election should then proceed to canvass the vote. These officers will certify the result to the secretary of the school township, and issue to the successful candidate for director a certificate of election (§2751.) The judges of election are not required to qualify.

#### Sec. 152. Election by Ballot—No Caucus—Tie Vote.

The director of a subdistrict shall be chosen by ballot (2751.) All propositions coming before the meeting shall be voted on by ballot. (Cons. of Iowa, Art. 2, §6.) Voting for a subdirector by ballot means depositing in the ballot box a paper upon which is written, or printed, the name of the person voted for.

An informal ballot or caucus can be no part of the subdistrict meeting. If it is desired to select candidates, this must be done before the organization of the meeting. But one lawful ballot may be cast or one vote taken. A tie vote shall be publicly determined by lot forthwith, before adjournment, under the direction of the judges. (§2751.)

**Sec. 153. Who May Vote—Qualification of Electors.**

To have the right to vote at a school meeting one must have the same qualifications as for voting at a general election, and must at the time be a resident of the corporation or subdistrict (2747.) To be entitled to the right of suffrage a person must be a (1) male, (2) a citizen of the United States, (3) 21 years of age, (4) a resident of the state six months next preceding the election, (5) and of the county sixty days. (Cons. of Iowa, §1, 75 Iowa, 222.) Foreign-born citizens must have completed naturalization to be eligible to vote (§2747, 138 Iowa, 730.) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. (Cons. of United States, 14th Amendment. Women who have the qualifications of voters, except as to sex, may vote on propositions for the issuing of bonds for school purposes or increasing the tax levy. (138 Iowa 730, §2747.) Separate ballot boxes must be provided for men and women. (Code, §1131, 172 Iowa 340.)

**Sec. 154. Who May Be Director or School Officer.**

A director may be of either sex, and must, at the time of the election or appointment, be a citizen and a resident of the subdistrict, and over twenty-one years of age, and, if a male, he must be a qualified voter of the corporation (§2748.) Women may hold any school office.

**Sec. 155. Term.**

The term of the director elected at the subdistrict meeting begins July 1 following date of election, and continues for one year (§2757.) One elected or appointed to fill a vacancy assumes the duties of his office as soon as he qualifies, and he must qualify within ten days after his election or appointment. (Code, §1275.)

**Sec. 156. Failure to Elect—Hold Over.**

In case of the failure of a subdistrict to elect a director at the regular meeting, the director in office June 30th may hold over by requalifying within ten days. If a director-elect fails to qualify by the close of July 1st, unless he is his own successor, the old director may hold over by requalifying within ten days. (Code, §§1265 and 1275.)

**Sec. 157. When to Qualify.**

The person elected director for the term which commences July 1st has until the close of that day in which to qualify (§2758.) A person elected or appointed to fill a vacancy has ten days from the date of his election or appointment. (Code, §1275.) A director who holds over has ten days from the date of the organization of the board. (Code, §1275.)

**Sec. 158. Vacancies—How Created.**

A vacancy may be created by death, resignation, accepting the office of secretary or treasurer, removal from the subdistrict or corporation, failure of one who might hold over to requalify. (Code, §1266.)

**Sec. 159. Vacancies—How Filled.**

(1) By the Board of Directors until the next election, and (2) by the voters for the remainder of the term. If there is a vacancy in the office of subdirector, or a vacancy has been filled by the board before a subdistrict election, some person should be elected to serve out the remainder of the term from date of subdistrict election until July 1 (§§2758 and 2771.) This should be done at the same time, and on the same ballots, that the



director for the term commencing July 1 is chosen. One candidate should be designated as "director for term commencing July 1," and the other as "director to fill vacancy." One person may be a candidate "to fill vacancy" and at the same time a candidate for the "term commencing July 1."

## CHAPTER IX. THE TEACHER.

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|---|---|
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### Sec. 160. The Teacher's Qualifications as to Age and Character.

Under a ruling of the State Board of Educational Examiners no person under the age of eighteen years may teach in the public schools. Before admitting anyone to a teachers' examination the County Superintendent must be satisfied that the applicant is of good moral character, and in all other respects than scholarship is possessed of the necessary qualifications as an instructor. (§2734-L.)

### Sec. 161. Normal Training Required.

Applicants shall have had twelve weeks of normal training; provided, however, that (1) this requirement shall not apply to the graduates of the state educational institutions, to the graduates of accredited colleges of the State, or to graduates of colleges of equal grade outside the State. (2) Neither does it apply to those who have had six months' successful teaching experience. (3) However, if there be schools without teachers, and teachers cannot be secured meeting the requirements as to normal training, provisional certificates may be issued to so many teachers as shall be required to supply such schools. (§§2754-p, 2734-p 2.)

### Sec. 162. Scholastic Qualifications—Registration—The Contract.

Before a teacher may legally teach in the public schools of the State three things are necessary.

(1) Certificate to Teach. "No person shall be employed as a teacher in a common school which is to receive its distributive share of the school fund without having a certificate of qualification \* \* \*, and no compensation shall be recovered by a teacher for services rendered while without such a certificate or diploma." (§2788.)



(2.) **Registration of Certificate.** "No person shall teach in any public school in this State whose certificate has not been registered with the County Superintendent of the county in which such school is located." (§234-Q.)

(3) **Enter Into a Contract to Teach.** " \* \* \* Contracts with teachers must be in writing, and shall state the length of time the school is to be taught, the compensation per week of five school days, or month of four weeks, and such other matters as may be agreed upon, signed by the president and teacher, and filed with the secretary before the teacher commences to teach under such contract." (§2778.)

Of the requirements above mentioned the first two named are absolute requirements, and can not be legally dispensed with. Unless these two things are done, a teacher has no standing as such, and anyone interested in a legal sense, as a resident taxpayer of the school corporation, may apply to a court for a writ to prevent the board from continuing such instruction, and to restrain the board from paying for the same. "Boards employing and paying such teachers are liable to prosecution under the provisions of the general statutes for misapplication of funds." (Code, §§4904, 4908, 2822.)

#### **Sec. 163. The Contract.**

As above noted, the contract must be in writing, and in all other respects conform to the statute (§2778) and in no legal rights and responsibilities are incurred by an oral contract to teach on the part of the teacher or the board, but "however informal and insufficient the contract may be originally, if the teacher teaches under it, and the board does any act recognizing and accepting his services as rendered under the contract, it is a ratification which makes the contract binding in all its terms upon both parties." (Ebersole's Encyclopedia of Iowa Law, §1730.) (152 N. W. (1a.) 571.) A teacher without a contract has no standing as such unless the board in some manner expressly, or by its acts, ratifies the oral contract. Since no one may teach a public school unless he is the holder of a teacher's certificate (§2788), it follows that an oral contract with a teacher who is not the holder of a teacher's certificate may not be ratified. The only safe way, it seems scarcely necessary to state, is to require the contract to be signed by both parties and filed with the secretary before the teacher commences to teach.

Boards of directors, in order to transact any legal business within their power, must meet and transact business as a board. Assent of members separately is not sufficient. (47 Iowa, 11.)

All matters agreed upon should be incorporated into the written contract. The law presumes that the written contract embraces the entire agreement of the parties (52 Iowa, 130), and oral evidence may not ordinarily be given to change such contract. A contract violating the terms of the law, or unauthorized by the board, is wholly illegal and void, so far as the corporation is concerned, but the persons signing such contract may be held personally for its performance. (37 Iowa, 314.)

#### **Sec. 164. Contracts Signed by President.**

The president shall sign all contracts made by the board, but the board may authorize any subdirector to employ teachers for the schools in his sub-district, the contract to be approved and signed by the president. (§§2778, 2759.) No contract to teach shall extend beyond July 1, the end of the school year.

#### **Sec. 165. Breaking Contract to Teach.**

Either party breaking a contract to teach is entitled to damages—and a teacher not permitted to complete her contract unless discharged for valid reasons, or unless her certificate is revoked (§2782) is entitled to damages, the amount of damages being equivalent to the wages lost. (111 Iowa, 20;

110 Iowa 314.) If legally discharged, her wages cease from date of discharge.

**Sec. 166.—Discharge of Teacher.**

"It (the board) may, by a majority vote, discharge any teacher for incompetency, inattention to duty, partiality, or any good cause, after a full and fair investigation made at a meeting of the board held for that purpose, at which the teacher shall be permitted to be present and make defense, allowing him a reasonable time therefor." (§2782.)

**Sec. 167. Holidays.**

It is lawful and quite usual for a board to give teachers holidays and make no deduction from their wages. The teacher, however, may not claim it as a right. (Note 18, §2782.)

**Sec. 168. Teacher Entitled to Compensation.**

If a teacher is at the schoolhouse at the proper time, and remains during school hours, he is entitled to pay therefor, according to his contract, whether scholars are present or not. (Note 19, §2782.)

**Sec. 169. Epidemic—Closing School.**

If the local board of health, or the Board of Directors, closes a school on account of the presence of a contagious disease, or for like reason, the teacher is entitled to pay for such time according to his contract. (Note 20, §2782.)

**Sec. 170. Closing—Loss Made Good.**

If the schoolhouse is destroyed, or the school is closed indefinitely by causes beyond the control of either party to the contract, the teacher being ready to comply with his part, can collect pay according to contract. If said teacher uses proper diligence to secure employment at something which he can do, and secures such employment, the district will pay him the difference between the amount received in his new work and the amount of his wages under the contract. In other words, his actual loss should be made good. (Opinion of attorney general.) (Note 22, §2782.)

### TEACHERS' CERTIFICATES.

**Sec. 171. Rules Governing Examinations—Grading Papers.**

Since this topic is of little importance to school officers the reader is referred to §§2629 and 2734-M for the law thereon.

**Sec. 172. Classes of Certificates Issued.**

The various classes of certificates issued are: first, second and third grade and special state certificates, life diplomas, first, second, third grade and provisional uniform county certificates, special uniform county certificates, life certificates, and normal training certificates of graduation. (§§2734-D, 2629, 2634-b 7.)

**Sec. 173. State Certificates—How Issued.**

First and second-grade State certificates and special state certificates are issued for five years, and may be renewed under certain restrictions. The life diploma is good for life unless revoked for cause.

**Sec. 174. Uniform County and Special Uniform County Certificates.**

First grade and special uniform county certificates are issued for three years; second-grade and normal training graduation certificates for two years, and third-grade certificates for one year. All first and second grade, normal training graduation, and special uniform county certificates which have not lapsed are indefinitely renewable under certain conditions. Third grade certificates are renewed for one year. (§2734-E, H, G, I; §2634-D-5.)

Regular examinations for uniform county and special uniform county certificates are held on the last Friday and the Wednesday and Thursday preceding in the months of January, June, July and October. (§2734-C.) An examination shall also be held on the last Friday of August and the two

days preceding for such persons as file certificates of attendance during the summer preceding, at a summer school approved for the twelve weeks of normal training. (2734-C.)

**Sec. 175. Grades Required for Uniform County Certificates.**

The average and minimum standings for each grade of uniform county certificate are as follows:

First grade, average 85 per cent, no grade below 75 per cent.

Second grade, average 75 per cent, no grade below 70 per cent.

Third grade, average 65 per cent, no grade below 60 per cent.

**Sec. 176. Subjects Required for Uniform County Certificates.**

Applicants for second and third grade uniform county certificates shall pass an examination in didactics, reading, orthography, writing, arithmetic, geography, grammar, history of the United States, vocal music, and physiology, and hygiene. Applicants for first grade certificates, in addition to the above named subjects, must pass an examination in civics, economics, physics, and algebra. (§2734-d.)

The teaching of elementary agriculture, domestic science and manual training is required, and teachers' examinations include agriculture, domestic science or manual training for those who must teach these subjects. (§2775-a.) The Board of Directors, however, may dispense with the teaching of these subjects at their discretion in rural schools. (S. F. 238, 37th G. A.) Special uniform county certificates are issued for one or more branches, such as music and penmanship, and authorize the teaching of the special subject only.

**Sec. 177. Life Certificates.**

Regular five-year State certificates of the first and second grade, special State certificates, first and second grade and special uniform county certificates may be validated for life, except that the holders of uniform county certificates must have an average of 85 per cent, with no branch below 80 per cent. Five years' teaching experience is required, and successful teaching and professional study must be certified to by the Superintendent and recommendations made by school officers. All life certificates shall lapse, provided the holder shall not teach during a period of five successive years: (§2634-H-1.)

**Sec. 178. Validity of Certificates.**

Every teacher's certificate issued, except provisional (which may be issued, when necessary, under certain restrictions), is valid in any county in the State, but if a sufficient number of certificates higher than the third grade are held in any county to supply the schools thereof, the County Superintendent shall not be required to register third grade uniform county certificates. (§2734-t.)

**Sec. 179. Revocation of Certificates.**

" \* \* \* Any certificate or diploma issued by the board may be revoked for any cause which would have authorized or required a refusal to grant the same." (§2734-T.)

Revocation of Certificate—Charges—Trial—Appeal. "When, in the judgment of the County Superintendent, there is probable cause for the revocation of a certificate or diploma held by any teacher employed in his county, or when charges are preferred, supported by affidavits charging incompetency, immorality, intemperance, cruelty, or general neglect of the business of the school, the County Superintendent shall, within ten days, transmit to such person a written statement of the charges preferred, and set the time and place for the hearing of the same, at which trial the teacher shall be privileged to be present and make defense. If, in the judgment of the County Superintendent, there is sufficient grounds for the revocation of the certificate or diploma, he shall at once issue in duplicate an order revoking the certificate or diploma, and the same shall become operative, and of full



force and effect ten days after the date of its issue, one copy of the order to be mailed to the holder of the certificate and the other to be mailed to the Superintendent of Public Instruction. Provided, that the person aggrieved by such order shall have the right to appeal to the Superintendent of Public Instruction within ten days from the date of such mailing, and in case of appeal, the revocation shall not be effective until the same is affirmed, after full hearing, by the Superintendent of Public Instruction. Provided further, that, in the case of life diplomas, or State certificates of whatever class, the revocation shall not be effective until affirmed by the Educational Board of Examiners after full review by said board." (§2734-U.)

The teacher may appeal from the decision of the County Superintendent to the State Superintendent. See §41.

#### **Sec. 180. The Teacher's Duties.**

The contract to teach school does not bind the teacher to the highest order of talent and industry; only ordinary qualifications are called for. If she teaches ordinarily well, and governs the school ordinarily well, that is all that can be required of her in these matters. The common branches are all that she is required to teach unless she has contracted to teach other branches in which she has passed an examination. A teacher must have a good moral character (§2734-L), and this means that she should refrain from things that are offensive to the moral sense of the community. She must observe all reasonable rules of the board and perform all other duties imposed upon her by law. For a failure in these respects she may be discharged by the board. (§2782.) See §166.

### **SPECIFIC DUTIES IMPOSED.**

#### **Sec. 181. Keep Register.**

"Each teacher shall keep a daily register which shall correctly exhibit the name or number of the school, the district and county in which it is located, the day of the week, month, year, and the name, age and attendance of each scholar, and the branches taught; and when scholars reside in different districts separate registers shall be kept for each district. \* \* \* (§2789.)

#### **Sec. 182. File term Report With Secretary.**

" \* \* \* A certified copy of the register (mentioned in paragraph above) shall immediately, at the close of the school, be filed by the teacher in the office of the secretary of the board. \* \* \* " (§2789.)

#### **Sec. 183. Report to County Superintendent.**

" \* \* \* The teacher shall file with the County Superintendent such reports, and in such manner as he may require." (§2789.) For a refusal to file uniform and reasonable reports her certificate may be revoked." (§§2734-U, 2782.)

#### **Sec. 184. Instruction in Stimulants and Narcotics.**

"It (the board) shall require all teachers to give, and all scholars to receive instruction in physiology and hygiene, which study, in every division of the subject, shall include the effects upon the human system of alcoholic stimulants, narcotics and poisonous substances. \* \* \* " (§2775.)

#### **Sec. 185. Report Violations of Attendance Law.**

"All teachers of the public schools shall promptly report to the secretary of the board any violations of the provisions of this Act." (§2823-G.) See §211.

#### **Sec. 186. Teachers Not to Be Agent for School Supplies.**

It is a misdemeanor for any teacher to act as agent for school supplies or textbooks during her employment as teacher. (§2834.)

#### **Sec. 187. Care of Library.**

See §102.



**Sec. 188. Vocal Music to Be Taught.**

Vocal music must be taught in all public schools, and all teachers, except in schools where instruction in music is given by special teachers, must pass an examination in music, but inability to sing shall not be considered in such examination. (§2823-S.)

**Sec. 189. Janitor Work.**

"In very many country schools, the teacher is expected to build and keep up the fires in the schoolhouse, and to keep it clean. I do not hesitate to say that no such service can be required of the teacher, unless it is so provided in the contract, or unless, possibly, it has become the custom of the country, so well established, and so generally understood, that the teacher must be presumed to have known it, and to have contracted with reference to it." Ebersole's Encyclopedia of Iowa Law. §1734.

**Sec. 190. Teachers' Institutes.**

There shall be held, when the schools are generally in session, one, but not more than two, teachers' institutes, as determined by the County Superintendent. School boards, except in city independent districts, where twenty-five or more teachers are regularly employed, shall adjourn their schools for not less than two days in each school year in order to allow teachers to attend the institute without loss of salary. Any teacher failing to attend two days shall forfeit her average daily salary for each day of non-attendance, unless excused by the County Superintendent for physical disability to perform her duties in the schoolroom.

In city independent districts, where twenty-five or more teachers are regularly employed, the County Superintendent co-operating with the City Superintendent, shall at time approved by the latter and the City Board of Education, arrange for educational lectures, arrangements subject to final approval by the State Superintendent. "It shall be the duty of teachers in said districts to attend said lectures." The County Superintendent shall issue a certificate of attendance showing attendance at institutes and educational lectures. (§2738.)

**Sec. 191. Fire Drills—Duty of Teacher.**

Teachers of public and private schools of more than one story shall have at least one fire drill each month, and teachers of all schools shall keep all exits unlocked during school hours. Teachers shall instruct pupils in at least one lesson each quarter of the school year with reference to the causes and dangers of fires, from a bulletin prepared by the State fire marshal. (§2468-k.)

**Sec. 192. The Teacher's Authority.**

The School Board is given power to make rules and regulations (§2782) for the government of pupils, and it is the duty of teachers to observe any reasonable regulation of the board, but if they fail to make regulations for the government of pupils, "the law will presume that they have delegated that power to the teacher, and he may establish such rules as are reasonable, not in conflict with law, or with rules already established by the board." (Ebersole's Encyclopedia of Iowa Law, §1736.) Our Supreme Court has said in 31 Iowa 562, that "Any rule of the school, not subversive of the rights of the children or parents, or in conflict with humanity and the precepts of divine law, which tends to advance the object of the law in establishing public schools, must be considered reasonable and proper." See also §§52, 194 and 195.

**Sec. 193. Suspension or Expulsion of Pupil.**

" \* \* \* It (the board) may, by a majority vote, expel any scholar from school for immorality, or for violation of the regulations or rules established by the board, or, when the presence of the scholar is detrimental to the best interests of the school, and it may confer upon any teacher, principal or superintendent the power temporarily to dismiss a scholar, notice of

such dismissal being at once given in writing to the president of the board. When a scholar is dismissed by the teacher, principal or superintendent, as above provided, he may be readmitted by such teacher, principal or superintendent, but, when expelled by the board, he may be readmitted only by the board, or in the manner prescribed by it." (§2782.)

For good cause, then, a teacher may dismiss a pupil without fixing the time of return, and require him to leave the school premises, notice being also at once given to the director or president. Final disposal of the matter rests with the board.

#### **Sec. 194. Corporal Punishment.**

If the rules and regulations of the board do not provide otherwise, the teacher has the right to inflict corporal punishment upon refractory pupils. In the choice of a kind of punishment, and in the selection of an instrument, as well as determining the degree of punishment to be administered, the teacher must exercise a sound discretion. Punishment must be moderate, and for the violation of a rule expressly, or by implication, in force when the offense was committed. If the punishment is too severe, the teacher may be criminally, as well as civilly, liable. (158 Iowa 501.)

#### **Sec. 195. Offenses Committed Off School Premises.**

A teacher may punish for offenses committed by pupils on the school premises, and has joint control with the parent, and may punish for misconduct from the time the pupil leaves home to go to school until he reaches home from school. Our Supreme Court has said in 31 Iowa 567, that "The view that acts, to be without the authority of the School Board and teachers for discipline and correction, must be done within school hours, is narrow and without regard to the spirit of the law and the best interests of our common schools," and if the effects of acts done outside school hours reach within the schoolroom during school hours, and are detrimental to good order and the best interests of the pupils, it is evident that such acts may be forbidden.

#### **Sec. 196. The Bible in the Schools.**

"The Bible shall not be excluded from any public school or institution in the State, nor shall any child be required to read it contrary to the wishes of his parent or guardian." (§2805.)

While moral instruction should be given in every school, neither this section nor the spirit of our constitution and laws, will permit a teacher or board to enforce a regulation in regard to religious exercises, which will wound the conscience of any, and no scholar can be required to conform to any particular mode of worship. (64 Iowa 367.) The reciting of the Lord's prayer, without more, is not prohibited. (153 N. W. (Ia.) 1020.)

#### **Sec. 197. Length of School Day.**

"The statute nowhere defines a school day, but custom has fixed the length of a school day at six hours. Without special agreement, a teacher could not be required to hold school more than six hours per day, according to the custom, nor could he lawfully shorten the day without the express or implied consent of the board." Ebersole's Encyclopedia of Iowa Law. §1731.

#### **Sec. 198. Minimum Wage for Teachers in the Public Schools.**

The Thirty-fifth General Assembly passed a law establishing a minimum wage for teachers in the public rural, graded and high schools of the State. It also prohibits the contracting for, or paying, a lesser sum, and provides penalties for violation of the law. The board, however, may pay a greater wage than the certificate calls for. For requirements for various grades of certificates, see §175. The law follows:

"All teachers in the public schools of this State shall be paid for their services a minimum wage of not less than the amounts hereinafter set forth. All fractions in average grades to be figured at the nearest whole number.

"1. Teachers holding a first grade uniform county certificate or higher shall be paid a daily wage of not less than a sum obtained by multiplying three (3) cents, by the general average grade shown on such certificate.

"2. Teachers holding a second grade uniform county certificate shall be paid a daily wage of not less than a sum obtained by multiplying two and three-quarters ( $2\frac{3}{4}$ ) cents by the general average grade shown on such certificate up to and including a general average grade of eighty-five (85) per cent.

"3. Teachers holding a third grade uniform county certificate shall be paid a daily wage of not less than a sum obtained by multiplying two and one-half ( $2\frac{1}{2}$ ) cents by the general average shown on such certificate..

"Provided that a teacher having contracted on a second or third grade certificate in conformity with this act, shall fulfill such contract at the wage fixed at the time of signing same, plus any additional credit earned under section two hereof. (§2778-a.)

"Sec. 2. Every teacher holding either a second or third grade certificate who has taught successfully for one year, and attended an approved teachers' training school for a period of six weeks following, shall, upon proper certification of such attendance, receive a credit of three points in estimating the salary due, and to be paid, but such credit shall not operate to raise the grade of such certificate. (§2778-b.)

"Sec. 3. It shall be unlawful for any school board, or any school officer, to contract for, or pay, a less wage to any teacher in the public schools of this State than the minimum amounts herein fixed for the grade certificate held by such public school teacher. But nothing herein shall be construed as limiting the right to make a lawful contract for a higher wage than herein specified as a minimum." (§2778-c.)

"Sec. 4. Any school officer violating the provisions of this Act shall be fined a sum of not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars, in the discretion of the court, and shall be suspended from office." (§2778-d.) This statute has been held constitutional. (§165 Iowa 697.)

#### Sec. 199.

The following schedule indicates the minimum wage teachers are to receive, based upon the grade of certificate and average grade shown on such certificate:

### THIRD GRADE UNIFORM COUNTY CERTIFICATE.

The lowest general average grade for a certificate is 65 per cent.

Daily Wage. Monthly Wage.

65 per cent general average grade at $2\frac{1}{2}$ c.....	\$1.625	\$32.50
66 per cent general average grade at $2\frac{1}{2}$ c.....	1.65	33.00
67 per cent general average grade at $2\frac{1}{2}$ c.....	1.675	33.50
68 per cent general average grade at $2\frac{1}{2}$ c.....	1.70	34.00
69 per cent general average grade at $2\frac{1}{2}$ c.....	1.725	34.50
70 per cent general average grade at $2\frac{1}{2}$ c.....	1.75	35.00
71 per cent general average grade at $2\frac{1}{2}$ c.....	1.775	35.50
72 per cent general average grade at $2\frac{1}{2}$ c.....	1.80	36.00
73 per cent general average grade at $2\frac{1}{2}$ c.....	1.825	36.50
75 per cent general average grade at $2\frac{1}{2}$ c.....	1.825	36.50
74 per cent general average grade at $2\frac{1}{2}$ c.....	1.85	37.00
74 per cent with 3 points added at $2\frac{1}{2}$ c.....	1.925	38.50



## SECOND GRADE UNIFORM COUNTY CERTIFICATE.

The lowest general average grade for a certificate is 75 per cent.

	Daily Wage.	Monthly Wage.
75 per cent general average grade at $2\frac{3}{4}$ c.....	\$2.0625	\$41.25
76 per cent general average grade at $2\frac{3}{4}$ c.....	2.09	41.80
77 per cent general average grade at $2\frac{3}{4}$ c.....	1.1175	42.35
78 per cent general average grade at $2\frac{3}{4}$ c.....	2.145	42.90
79 per cent general average grade at $2\frac{3}{4}$ c.....	2.1725	43.45
80 per cent general average grade at $2\frac{3}{4}$ c.....	2.20	44.00
81 per cent general average grade at $2\frac{3}{4}$ c.....	2.2275	44.55
82 per cent general average grade at $2\frac{3}{4}$ c.....	2.255	45.10
83 per cent general average grade at $2\frac{3}{4}$ c.....	2.2825	45.65
84 per cent general average grade at $2\frac{3}{4}$ c.....	2.31	46.20
85 per cent general average grade at $2\frac{3}{4}$ c.....	2.3375	46.75
85 per cent with three points added at $2\frac{3}{4}$ c.....	2.42	48.40

## FIRST GRADE UNIFORM COUNTY CERTIFICATE, OR HIGHER.

The lowest general average grade for a certificate is 85 per cent.

	Daily Wage.	Monthly Wage.
85 per cent general average grade at 3c.....	2.55	\$51.00
86 per cent general average grade at 3c.....	2.58	51.60
87 per cent general average grade at 3c.....	2.61	52.20
88 per cent general average grade at 3c.....	2.64	52.80
89 per cent general average grade at 3c.....	2.67	53.40
90 per cent general average grade at 3c.....	2.70	54.00
91 per cent general average grade at 3c.....	2.73	54.60
92 per cent general average grade at 3c.....	2.76	55.20
93 per cent general average grade at 3c.....	2.79	55.80
94 per cent general average grade at 3c.....	2.82	56.40
95 per cent general average grade at 3c.....	2.85	57.00
96 per cent general average grade at 3c.....	2.88	57.60
97 per cent general average grade at 3c.....	2.91	58.20
98 per cent general average grade at 3c.....	2.94	58.80
99 per cent general average grade at 3c.....	2.97	59.40
100 per cent general average grade at 3c.....	3.00	60.00

### Sec. 200. Flags for Public Schools—Duty of Teacher and Board.

"Section 1. That it shall be the duty of the Board of Directors of each school corporation of this State to provide a suitable flagstaff on each public school building maintained under the authority of such Board of Directors, and to provide each of such school buildings with a suitable flag, and such flag shall be raised over such building on all days when weather suitable therefor shall prevail.

"Section 2. That at the commencement of each school day the teacher, superintendent, principal, or whoever has the general supervision of the school administration within any such building, may arrange for the raising of such flag, as herein provided for, over the said building, with appropriate services, when weather conditions will permit, at the beginning of each school day." (§2804-a, b.)

### Sec. 201. Teacher's Annuities in Certain Corporations.

Independent districts of 75,000, or more, may establish a pension and annuity retirement system for the public school teachers of such district. A retirement fund is created by an annual tax not exceeding two-tenths of a mill on the dollar, by an assessment of teachers not exceeding one per cent of their salaries, and by the interest on any permanent fund which may be created by gift, bequest, or otherwise. The Board of Directors has charge of the operation of such system. (S. F. 298, 37th G. A.)



## CHAPTER X.

### THE PUPIL.

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| Sec. 202. Who May Attend School.                 | Sec. 210. High School Tuition Law.                       |
| 203. Admission of Beginners.                     | 211. A Compulsory Attendance.                            |
| 204. Defacing Public Property.                   | 212. Miscellaneous Provisions Concerning Attendance Law. |
| 205. Indigent Children Furnished Free Textbooks. | 213. Use of Tobacco by Pupils Prohibited.                |
| 206. Provision for Blind and Deaf Children.      | 214. Music and Physiology to Be Studied.                 |
| 207. Free Textbooks to Pupils.                   | 215. Fraternities Prohibited in Public Schools—When.     |
| 208. Subject to Rules and Regulations of Board.  |  |
| 209. Attending School in Another Corporation.    |  |

#### Sec. 202. Who May Attend School.

“ \* \* \* Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years. \* \* \* ” (§2773.)  
As to evening schools, see §71.

#### Sec. 203. Admission of Beginners.

“All persons of the ages of five to twenty-one, who are actual residents of a school corporation, may attend some school in said corporation, provided they are able to be classified under the course of study and rules prescribed by the board. Those who have never attended school, or who have not received sufficient instructions to enable them to take the work of some class already organized, may demand admission only when a beginning class is organized.” (Note 28 to §2772, School Laws.)

#### Sec. 204. Defacing Public Property.

“If any person wilfully writes, makes marks or draw characters on the walls or any other part of any church, college, academy, schoolhouse, courthouse or other public building, or on any furniture, apparatus or fixtures therein; or wilfully injure or deface the same, or any wall or fence inclosing the same, he shall be fined not exceeding one hundred dollars, or imprisoned in the county jail not more than thirty days.” (Code, §4802.)

#### Sec. 205. Indigent Children Furnished Free textbooks.

“ \* \* \* It (the board) may furnish schoolbooks to indigent children when they are likely to be deprived of the proper benefits of school unless so aided.” (§2783.)

#### Sec. 206. Provision for Blind and Deaf Children.

Any school corporation having five or more blind children of school age may provide instruction for such, to be approved by the Superintendent of Public Instruction. The same provision is made for deaf children. Such instruction is to be for the first eight grades. The sum of one hundred dollars is paid by the State for the instruction of such children for each child. (S. F. 331, 37th G. A.)

#### Sec. 207. Free Textbooks to Pupils.

Free textbooks may be furnished to all pupils if, at the annual meeting of the electors, a majority of those present and voting shall authorize the board to furnish texts to pupils (§2836), a petition signed by ten per cent, or more, of the qualified voters, at least thirty days prior to the meeting, having petitioned that such a proposition be submitted. (§2836, as amended by H. F. 49, 37th G. A.)

#### Sec. 208. Subject to Rules and Regulations of the Board.

Every pupil is subject to the rules and regulations of the board, and may be suspended or expelled from school, or otherwise punished for infractions of the rules. (§§2772, 2782.) See this subject further in §§52 and 192.

#### Sec. 209. Attending School in Another Corporation.

“A child residing in one corporation may attend school in another in the same or adjoining county if the two boards agree. In case no such

agreement is made, the County Superintendent of the county in which the child resides, and the board of such adjoining corporation may consent to such attendance, if the child resides nearer a schoolhouse in the adjoining corporation, and one and one-half miles, or more, from any public school in the corporation of his residence. But, before granting such consent, the County Superintendent shall give notice to the board where the child resides, and hear objections, if any. In case such consent is given, the board of the district of the child's residence shall be notified thereof in writing, and shall pay to the other district the average tuition per week for the school or room thereof in which such child attends. \* \* \* " (§280½, as amended by H. F. 565, 37th G. A.)

No school corporation is compelled to accept pupils from another corporation. Consent of the board of the corporation wherein the pupil resides is not necessary, provided the County Superintendent consents, and provided, also, that the pupil lives more than one and one-half miles from a school in his home corporation and nearer a school in another corporation adjoining.

#### Sec. 210. High School Tuition Law.

"Any person of school age who is a resident of a school corporation which does not offer a four-year high school course, and who has completed the course as approved by the Department of Public Instruction for such corporation, shall be permitted to attend any public high school or county high school in the State, approved in like manner, that will receive him. Any person applying for admission to any high school under the provisions of this Act shall present the officials of said high school the affidavit of his, or her, father, mother, guardian, or, if he have neither, his next friend, that such applicant is of school age and a resident of a school district of this State, specifying the district. He shall also present a certificate signed by the County Superintendent showing proficiency in the common school branches, reading, orthography, arithmetic, physiology, grammar, civics of Iowa, geography, United States history, penmanship, and music. The school corporation in which such student resides shall pay to the secretary of the corporation in which such student shall be permitted to enter a tuition fee of five dollars (\$5.00) per month, but in districts in which there is a city of the first class, a tuition fee of seven (\$7.00) dollars per month may be charged, in the High School Department in the latter corporation during the time he so attends, not exceeding, however, a total period of four school years; provided that such tuition shall in no case exceed the average cost of said tuition in such high school; such payment to be made out of the teachers' fund and the contingent fund, or out of the general fund of the debtor corporation, and such tuition fee as collected by the secretary shall be turned over by him with an itemized statement, to the treasurer of the school funds on or before February fifteenth and June fifteenth of each year. If payment is refused or neglected, the board of the creditor corporation shall file with the auditor of the county of the pupil's residence a statement, certified by its president, specifying the amount due for tuition and for contingent expenses, respectively, and the time for which the same is claimed; and the auditor shall transmit to the county treasurer an order directing such treasurer to transfer the amount of such account from the debtor corporation to the creditor corporation, and the treasurer shall pay the same in accordance therewith. No school corporation situated in a county maintaining a county high school shall be required to pay the tuition of pupils at any high school other than such county high school, but this shall not apply to pupils, who, while residing at home, attend some high school other than that of the school corporation in which they reside; and the tuition to be paid by school corporations in such county shall be three and one-half dollars (\$3.50) per pupil per month; provided that, in counties having a high school where a child resides at home and attends a high school outside the district of his residence other

than the county high school, and the school corporation where the child resides, pays the tuition for such child, and at the end of the school year it is found that less pupils have attended the county high school from the district where such child resides than was entitled to attend under the county high school apportionment, then, and in that case, the school corporation where such child resides shall be entitled to be reimbursed from the county high school funds for the tuition so paid, not exceeding in the aggregate an amount equal to the taxes contributed by such district to said county high school fund for the tax year preceding, fair and equitable credit being given to the county high school fund for pupils actually attending said county high school during said school year from the district where said child resides. The County Superintendent shall, on being applied to for such purpose, determine in writing the amount due such corporation from the county high school fund, and furnish such corporation with a copy of such finding. Within twenty days thereafter such corporation may appeal to the district court from such finding by serving written notice on the County Superintendent of the taking of such appeal. On the service of said notice the County Superintendent shall file a copy of his finding in the office of the clerk of the district court, and the clerk shall docket the cause without fee. The matter shall be tried on appeal as in equity, and without formal pleading. The decision of the district court shall be final. The treasurer shall, upon the filing with him of any final decision, immediately transfer from the county high school funds to the credit of the corporation entitled to the same the amount directed to be transferred." (§2733-1 a, as amended by H. F. 70, 57h G. A.)

In order that the rural district may be reasonably certain that the high school is maintaining proper standards to justify the payment required per pupil per month, such schools must be approved by the State Department of Public Instruction before this tuition can be legally collected or paid.

Four general conditions must be met if this tuition is legally claimed by the officials of said high school or paid by officials of rural districts.

1. The pupil must have completed the course in his school corporation as approved by the Department of Public Instruction. If there is an unapproved high school in his district, he may attend an approved high school in another district, and claim from his district the legal tuition, provided he meets other conditions.

2. The pupil shall present the officials of said high school a certificate signed by the County Superintendent showing proficiency in the common school branches.

3. The pupil shall present the officials of said high school the affidavit of his or her father, mother or guardian, or next friend, that such applicant is of school age and a resident of a school district of this State, specifying the district.

4. The school corporation claiming the tuition must maintain an approved school.

See §§30 and 32 above.

## Sec. 211. Compulsory Attendance.

(a) Duties of Parents or Guardians—Penalty. "Any person having control of any child of the age of seven (7) to sixteen (16) years, inclusive, in proper physical and mental condition to attend school, shall cause such child to attend some public, private, or parochial school, where the common school branches of reading, writing, spelling, arithmetic, grammar, geography, physiology, and United States history are taught, or to attend upon equivalent instruction by a competent teacher elsewhere than school, for at least twenty-four (24) consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the Board of School Directors shall determine upon a later date, which date shall not be later than the first Monday in December; but the Board of



Directors in any city of the first and second class may require attendance for the entire time the schools are in session in any school year; provided, that this section shall not apply to any child who lives more than two (2) miles from any school by the nearest traveled road except in those districts in which the pupils are transported at public expense, or who is over the age of fourteen (14), and is regularly employed, or has educational qualifications equal to that of pupils who have completed the eighth grade, or who is excused for sufficient reasons by any court of record or judge thereof, or while attending religious service or receiving religious instruction. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not less than three (\$3) dollars, nor more than twenty (\$20) dollars, for each offense." (§2823-A.)

(b) Enforcement. "It shall be the duty of the director or president of any Board of Directors, or any truant officers appointed by such Board of Directors, to enforce the provisions of this Act, to sue for and recover the penalties herein provided, and to institute criminal prosecution against any person violating the provisions of this Act, and any such officers neglecting to do so within thirty days after a written notice has been served upon him by any citizen of said district or the County Superintendent of the county within which the offending person shall reside, shall himself be liable for a fine of not less than ten (\$10) dollars nor more than twenty (\$20) dollars for each offense." (§2823-F.)

(c) Teachers and School Officers—Duties. "All teachers of the public schools of the State, and County Superintendents, and school officers and employes shall promptly report to the secretary of the school corporation any violations of the provisions of this Act, of which they have knowledge or information, and he shall promptly inform the president of the Board of Directors thereof, and such president shall, if necessary, call a meeting of the Board of Directors to take such action thereon as the facts shall justify, and any child placed in any truant school may be discharged therefrom at the discretion of the board upon sufficient assurance of future good conduct of such child." (§2823-G.)

(d) School Census. "It shall be the duty of all officers, empowered to take the school census, to ascertain the number of children of the ages of seven (7) to sixteen (16) years, inclusive, in their respective districts, the number of such children who do not attend school, and, so far as possible, the cause of failure to attend school." (§2823-I.)

#### Sec. 199. Miscellaneous Provisions Concerning Attendance Law.

Provision has also been made for truant schools (§2823-D) and truant officers in cities of 20,000 or more (§2823-E.) In towns and cities of the second class the independent school district may employ the marshal, or other police officer, to act as truant officer (§2823-E), and the boards of all school corporations are given power to provide reasonable methods of punishment of children who are violators of this law (§2823-H.) Principals of private and parochial schools may be required to give detailed information concerning the age and attendance of pupils coming under the provisions of this Act (§2823-B.)

#### Sec. 213. Use of Tobacco by Pupils Prohibited.

"The board shall \* \* \* make rules and regulations, \* \* \* and such regulations shall prohibit the use of tobacco in any form by any student of such schools, and such board may suspend or expel any such student for any violation of such rule." (§2772.)

The above prohibition has also been extended to county high schools (§2732.)

#### Sec. 214. Music and Physiology to Be Studied.

Every scholar must study music, physiology and hygiene, including the



effects of stimulants and narcotics, until the outline in that branch, as prepared by the board, has been completed. (§§2823-S, 2775.)

#### **Sec. 215. Certain Fraternities and Societies Prohibited in he Public Schools.**

It shall be unlawful for any pupil of a public school to join or solicit another to join a fraternity or society wholly or partially formed from pupils attending any such school, or to help to organize any such, unless sanctioned by the board. The board is given power to suspend or expel for violation of this Act, and for violating the rules of the board made in pursuance thereof. (§2782-a, as amended by H. F. 168, 37th G. A.)

It is made a misdemeanor, with a penalty of from two to ten dollars fine, for any person, not a pupil, to enter upon school premises for the purpose of soliciting any pupil to join any fraternity, society or association organized outside of said schools.

### **CHAPTER XI.**

#### **SCHOOL FINANCES.**

##### **Sec. 216. The Various Funds.**

217. Maximum Levies for General Fund.

218. When Levies Are Made.

219. Schoolhouse Fund.

220. School Building Bond Fund.

221. Funds Kept Separate.

222. Secretary to Certify Taxes.

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##### **Sec. 224. Maximum Expenditure From General Fund.**

225. Indebtedness for Free Text-books.

226. Bonded Indebtedness.

227. Judgment Tax.

228. School Funding Bonds.

229. Exemption From Taxation.

230. Limit of Indebtedness.

##### **Sec. 216. The Various Funds.**

" \* \* \* The money collected by tax voted, or the proceeds of the sale of bonds valid for the purpose of building schoolhouses, shall be called the schoolhouse fund, and all other moneys received for any other purpose shall be called the general fund. \* \* \* " (§2768, as amended by H. F. 565, 37th G. A.)

##### **Sec. 217. Maximum Levy for General Fund.**

The maximum amount that may be levied for the general fund shall not exceed \$40.00 for each pupil of school age, "but each school corporation may estimate not to exceed \$525.00 for each school thereof, and such additional sum as may be necessary, not exceeding five dollars for each person of school age for transporting children to and from school; also such additional sum as may be authorized in section 2825 of the Code." (§2806, as amended by H. F. 565, 37th G. A.) (Section 2825 pertains to the purchase and loaning of textbooks.) When the directors of a school corporation adopt textbooks for their corporation under §2824-5, the board may levy an additional amount not to exceed \$1.50 for each pupil of school age residing in the corporation. (§2825.) For the maximum levy for consolidated independent districts see §19.

##### **Sec. 218. When Levies Are Made.**

The board shall estimate the amounts necessary for the general fund at the regular meeting in July, or at a special meeting called for that purpose, which meeting shall not be later than the third Monday in August. (§§2806, 2794-A (a) ).

##### **Sec. 219. The School House Fund.**

Sections 2749, 2750 and 2753 state the procedure when a schoolhouse tax is to be voted; that is, by vote of the electors at the annual or subdistrict meeting, or special meeting, when the proper notice has been given. See §§128 to 146, inclusive.

##### **Sec. 220. Funds for Erecting Schoolhouses.**

If it is desired to issue bonds to erect, complete, equip, furnish, or improve a schoolhouse, or to purchase sites therefor, and it is desired

to have the money at once and not wait for a tax to be collected §2812-c should be followed, which provides that " \* \* \* The board \* \* \* , when they have been heretofore, or when they may hereafter be authorized by the voters at the annual meeting, or at a special meeting called for that purpose, may issue the negotiable interest bearing bonds of said school corporation; said bonds to be known as school building bonds." Said bonds may run not to exceed twenty years. (§2812-e.)

**Sec. 221. Funds Kept Separate.**

The treasurer shall keep a separate account with each fund. (§2768, as amended by H. F. 565, 37th G. A.)

**Sec. 222. Secretary to Certify Taxes.**

It is the duty of the secretary to certify the taxes levied by the board, or voted by the electors, within five days after the amounts required for the general fund has been determined. (§2767, as amended by H. F. 565, 37th G. A.)

**Sec. 223. Transfer of Funds.**

The only change of money from one fund to another possible under the law is the transfer of surplus schoolhouse funds to either the teachers' or contingent fund. (§2749, as amended by H. F. 565, 37th G. A.) See §129.

**Sec. 224. Maximum Expenditure From the General Fund.**

The amount that may be expended from the contingent fund is limited as follows:

"It may provide and pay out of the general fund to insure school property such sum as may be necessary; and may purchase dictionaries, library books, including books for the purpose of teaching vocal music, maps, charts and apparatus for the use of the schools thereof to an amount not exceeding \$25.00 in any one year for each schoolroom under its charge \* \* \* and shall provide by levy of general fund therefor." (§2783, as amended by H. F. 565, 37th G. A.)

The board may also furnish textbooks to indigent children when necessary to insure them school privileges, and may, when directed by the voters (§2836) buy and loan books to pupils, and, in such cases, the \$25.00 limitation does not apply. This limitation does not apply to the amount that may be expended for fuel, rent, and ordinary repairs. (§2768, as amended by H. F. 565, 37th G. A.) See also §61.

**Sec. 225. Indebtedness for Free Textbooks Prohibited.**

The school corporation shall contract no debt for the purchase of free textbooks. (§2825, as amended by H. F. 565, 37th G. A.)

**Sec. 226. Bonded Indebtedness.**

"The board of each school corporation shall, when estimating and certifying the amount of money required for general purposes, estimate and certify to the Board of Supervisors of the proper county, the amount required to pay interest due, or that may become due for the year beginning January first thereafter, upon lawful bonded indebtedness, and, in addition thereto, such amount as the board may deem necessary to apply on the principal; but the amount estimated and certified to apply on principal and interest for any one year shall not exceed five mills on the dollar of the actual valuation of the taxable property of the school corporation." (§2813.)

**Sec. 227. Judgment Tax.**

"When a judgment shall be obtained against a school corporation, its board shall order the payment thereof out of the proper fund by an order on the treasurer, not in excess, however, of the funds available for that purpose. If the proper fund is not sufficient, then, unless its board has provided by the issuance of bonds for raising the amount necessary to pay such judgment, the voters thereof shall, at their annual meeting, vote a suffi-

cient tax for the purpose. In case of failure or neglect to vote such a tax, the school board shall certify the amount required to the board of Supervisors, who shall levy a tax on the property of the corporation for the same." (§2811.)

#### **Sec. 228. School Funding Bonds.**

"For the purpose of providing for the payment of any indebtedness of any school corporation represented by judgments or bonds, the Board of Directors of such school corporation at any time or times may provide by resolution for the issuance of bonds of such school corporation to be known as funding or refunding bonds. The proceeds derived from the negotiation of such funding or refunding bonds shall be applied in payment of such indebtedness; or said funding bonds or refunding bonds may be issued in exchange for the evidences of such indebtedness, par for par." (§2812-c, as amended by H. F. 325, 37th G. A.)

**Funding Bonds.** This section authorizes the Board of Directors of any school corporation to issue funding bonds without a vote of the electors, but the board cannot issue school building bonds without a vote of the electors. See §2812-D.

**Taxes—Bonds.** There is no intimate connection between the levy of taxes and an outstanding bonded indebtedness. The levy of taxes is not intended by the law to be considered as an outstanding indebtedness.

#### **Sec. 229. Exemption From Taxation.**

The school buildings and the property of a school district devoted entirely to public use, and not held for pecuniary profit are not to be taxed. (§1304.)

#### **Sec. 230. Limit of Indebtedness.**

The State constitution limits the amount that a school corporation can become indebted to an amount in the aggregate not exceeding five per centum on the actual value of the property of the corporation. (Art. 11, §3.) The legislature of the State has further restricted the amount of indebtedness of a school corporation to one and one-fourth per cent of the property of the corporation. (§1306-B.) An exception has been made, however, permitting an indebtedness of five per cent in some instances. The exception as to school corporations provides that:

"Any independent district containing, or contained in, any city, town or village, or any consolidated independent district, shall be allowed to become indebted for the purpose of building and furnishing a schoolhouse, or houses, and procuring a site therefor, or for the purpose of purchasing land for a site already owned, to an amount not to exceed in the aggregate, including all other indebtedness, five per centum of the actual value of the taxable property within such independent school district, such value to be ascertained by the last county tax list previous to the incurring of such indebtedness, anything contained in section one thousand three hundred and six-b (1306-b) of the supplement to the Code, 1907, to the contrary notwithstanding." (§2820-d 1)

It is provided, however, that before an indebtedness can be created greater than one and one-fourth per cent a petition must be signed by twenty-five per cent of the number of those voting at the last school election asking "that an election shall be called, stating the purpose for which the money is to be used, and that the necessary schoolhouse or houses cannot be built and furnished within the limit of one and one-quarter per centum of the valuation, or that sufficient land cannot be purchased to add to a site already owned." (§2820-d 2.)

The petition being presented, a meeting of the board must be called, and four weeks' notice in a newspaper given. At the election, if a majority vote therefor the board shall issue the bonds and make provision for their

payment. (§2820-D 4. This election may be held at the time and place of holding the regular school election, or at a special meeting called for that purpose. (§2812-d 3.)

"At such election the ballot shall be prepared and used in substantially the following form:

<input type="checkbox"/>	<b>YES</b>
<input type="checkbox"/>	<b>NO</b>

"Shall the (naming the independent district) issue bonds in the sum of.....dollars (\$.....) for the purpose of constructing or equipping schoolhouses?" (Sec. 2820-d 3.)



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